



HISTORIC LANDMARKS COMMISSION STAFF REPORT

File Nos.	HL14-214 and MA14-002
Application Type	Historical Landmark Nomination and Historical Property Contract
Applicant	Barry and Maile Del Buono
Location	54 S. 14th Street
Zoning	R-1-8 Single Family Residence
Council District	3
Historic Area	Naglee Park Conservation Area
Historic Classification	Identified Structure
Annexation Date	March 27, 1850 (Original City)
CEQA	Exempt

APPLICATION SUMMARY:

File No. HL14-214: Historical Landmark Nomination to designate the Daniel D. Tennyson House as a landmark of special historical, architectural, cultural, aesthetic or engineering interest or value of an historic nature; and

File No. MA14-002: Historical Property Contract (California Mills Act) between the City of San Jose and the property owners for the subject 0.16 gross acre site located on the northeasterly side of S. 14th Street, approximately 325 feet northerly of E. San Fernando Street.

RECOMMENDATION:

Planning staff recommends that the Historic Landmarks Commission recommend that the City Council approve the proposed Historical Landmark Designation and Historical Property Contract.

PROJECT DATA

GENERAL PLAN CONSISTENCY			
General Plan Designation		Residential Neighborhood <input checked="" type="checkbox"/> Consistent <input type="checkbox"/> Inconsistent	
Consistent Policies		LU-13.1, LU-13.13	
Inconsistent Policies		None	
SURROUNDING USES			
	General Plan Land Use	Zoning	Existing Use
North	Residential Neighborhood	R-1-8 Single-Family Residence	Single-Family Residence
South	Residential Neighborhood	R-1-8 Single-Family Residence	Single-Family Residence

East	Residential Neighborhood	R-1-8 Single-Family Residence	Single-Family Residence
West	Residential Neighborhood	R-1-8 Single-Family Residence	Single-Family Residence

RELATED APPROVALS

Date	Action
3/27/1850	Subject property incorporated as part of the original city.
9/21/1966	Building permit (No. 51364) to repair fire damage.
5/1/1984	Building permit (No. 43032) to add a deck and two wood canopies.
9/14/1987	Building permit (No. 68172) to remodel and add approximately 116 square foot master bedroom.
8/13/1992	Building permit (No. 9204251) to finish 1385 square foot basement.
5/24/2014	Building permit (No. B9436908) to reroof house.

PROJECT DESCRIPTION

On September 8, 2014, the property owners of 54 South 14th Street submitted an application to designate their single-family residence as a City Landmark and to enter into a Mills Act Contract for a reduced property tax rate in return for restoration and maintenance over a 10 year period.



The subject house is located on the northeasterly side of S. 14th Street, approximately 325 feet northerly of E. San Fernando Street, within the Naglee Park Conservation Area. Conservation Areas are areas that reflect particular periods of design or architectural style. Their significance is derived from the grouping of the structures as a whole, rather than from the importance of just one individual building. The Naglee Park Conservation Area is a strong example of early twentieth-century homes built in a variety of styles. This area is an example of the evolution of house design from the early 1900s through the bungalow era. There are many Identified

Structures in the Naglee Park Conservation Area, including the Daniel D. Tennyson House. An Identified Structure is a structure that has been identified on the City's Historic Resources Inventory as a structure that needs further evaluation for its historic or architectural significance. This evaluation is done through the creation of a Department of Parks and Recreation report, which is attached with this staff report.

The subject residence was built in 1904 for Daniel and Lillie Tennyson and designed by regionally significant architects Wolfe & McKenzie. Daniel Tennyson was a pension agent for retiring veterans and a land agent under the auspices of the U.S. Interior Department. He also maintained orchards throughout the county. The Tennysons occupied the house until their deaths. Since the Tennysons' deaths, the property has had several owners and occupants. The current owners are Barry and Maile Del Buono.

The architecture of the house exhibits classic architectural characteristics of the California Colonial Revival, including tall hipped, composition-shingled roof with a prominent cornice line, a deep eave with large, plain double wooden frieze under the eave. Other details that distinguish the site include the ornamented oriel window in the front gable face and the cartouche ornament under the portico's gable face. The other unusual feature is the two over-scaled and prominent fluted, wooden Doric columns that frame the raised entry as well as a second elliptical-shaped window facing southward just before the projecting angled bay. These among other interesting details set the house apart from similarly dated residences of like architectural design found throughout the downtown area.



Designation of the structure as a City Landmark would establish the requirement for the issuance of Historic Preservation (HP) Permits for City approval of any exterior changes proposed to the structures. If the Council approves a Landmark designation, then the Council can consider the Mills Act Contract for the property. The Mills Act Contract reduces property taxes for property owners of designated historical landmarks in exchange for a commitment to spend 10% of the property tax savings over a ten year period on maintenance, restoration, and rehabilitation of the property.

ANALYSIS

The proposed Historical Landmark Nomination and Historical Property Contract were analyzed with respect to: 1) conformance with the Envision San Jose 2040 General Plan; and 2) conformance with the Historic Preservation Ordinance.

Envision San José 2040 General Plan Conformance

The proposed project is consistent with the site's General Plan Land Use/Transportation Diagram designation of Residential Neighborhood, which applies to established single-family residential neighborhoods such as the Naglee Park neighborhood in which the subject single-family residence is located.

Additionally, the proposed project promotes the following policies of the General Plan with respect to historic preservation:

Historic Preservation Goal LU-13 – Landmarks and Districts: Preserve and enhance historic landmarks and districts in order to promote a greater sense of historic awareness and community identity and contribute toward a sense of place.

1. Historic Preservation Policy LU-13.1: Preserve the integrity and fabric of candidate or designated Historic Districts.

Analysis: The Daniel D. Tennyson House is an Identified Structure within the Naglee Park Conservation Area. This area is known for its early 20th century residences in an eclectic variety of architectural styles. The designation of this house as a historic landmark will preserve the integrity of this area and its recognized historic value.

2. Historic Preservation Policy LU -13.13: Foster the rehabilitation of buildings, structures, areas, places, and districts of historic significance. Utilize incentives permitting flexibility as to their uses; transfer of development rights; tax relief for designated landmarks and districts; easements; alternative building code provisions for the reuse of historic structures; and financial incentives.

Analysis: By encouraging the preservation of this house through the City Landmark Designation process, the City is preserving and fostering the architectural history of this area of San Jose. The designation of this site as a landmark will provide the owners with a potential tax relief, which will allow the home owner to reinvest that savings into the restoration of the house. Further, the designation of this site as a landmark will prevent this piece of history from being altered without careful review by the Historic Landmarks Commission.

Historic Preservation Ordinance Conformance for Historic Landmark Nomination

Per the Historic Preservation Ordinance (Municipal Code Chapter 13.48), the Commission may consider, among other relevant factors, the following criteria in making the findings that a proposed landmark has special historical, architectural, cultural, aesthetic, or engineering interest or value of an historical nature:

1. Its character, interest or value as part of the local, regional, state or national history, heritage or culture;
2. Its location as a site of a significant historic event;
3. Its identification with a person or persons who significantly contributed to the local, regional, state or national culture and history;
4. Its exemplification of the cultural, economic, social or historic heritage of the city of San José;
5. Its portrayal of the environment of a group of people in an era of history characterized by a distinctive architectural style;
6. Its embodiment of distinguishing characteristics of an architectural type or specimen;
7. Its identification as the work of an architect or master builder whose individual work has influenced the development of the city of San José; and
8. Its embodiment of elements of architectural or engineering design, detail, materials or craftsmanship which represents a significant architectural innovation or which is unique.

Based on the information in the historical evaluation prepared by Bonnie Bamburg of Urban Programmers, the Daniel D. Tennyson House merits designation as a City Landmark based on the integrity of the original architectural design, its value to the City's heritage and culture, and for its embodiment of distinguishing characteristics of an architectural type. The California Colonial Revival style contributes to the character of the Naglee Park Conservation Area.

This architectural design is important within the greater San Jose area in that the form and detailing of this building exhibits distinctive characteristics of a California Colonial Revival. The character of the house has been maintained with few alterations to the structure since construction in 1904, except for the addition of a master bedroom at the rear of the house. The character, details, and massing of the house contribute to the architectural context of houses in the Naglee Park Conservation Area. This home also represents the work of local master architects Frank D. Wolfe and Charles McKenzie, whose work is considered today to be a clear representation of its period, both in design and detailing, and is distinguished among many homes in the neighborhood.

The property meets the criteria for designation as a City of San Jose Historic Landmark Structure in conformance with the Historic Preservation Ordinance based on:

- **Criterion 1:** The character, interest or value of the house as part of the local, regional, state or national history, heritage or culture for the recognized historic context within the Naglee Park Conservation Area; and
- **Criterion 6:** The structure embodies distinguishing characteristics of an architectural type or specimen as an example of the California Colonial Revival style; and
- **Criterion 7:** It is the work of architects Wolfe & McKenzie, whose individual work has influenced the development of the City of San José.

Historic Preservation Ordinance Conformance for Mills Act Historical Property Contract

The Historical Property Contract is an incentive for ownership and rehabilitation of City Landmarks. It is a contract between the City of San Jose and the owner of a designated City Landmark, which allows the owner to enjoy a reduced property tax rate from the County Assessor in exchange for the preservation and, in some cases, restoration and rehabilitation, of the owner's historic property. The purpose of the agreement is to provide greater protection for the City Landmark property than is otherwise provided by the historic preservation regulations in the City Municipal Code. The County Assessor sets the property tax rate based on an appraisal of the market value of the land and improvements. A property under contract will receive a property tax reduction based on an appraisal of the rental value of the land and improvements.

Required Findings of Historical Property Contracts

In accordance with the Historic Preservation Ordinance, the City Council may approve a Historic Property Contract pursuant to making certain findings. Planning staff recommends that the Historical Landmarks Commission recommend the City Council make the following findings and approve the proposed Historical Property Contract:

1. The proposed contract is consistent with the General Plan.

Analysis: Preservation of specific structures of historic significance advances the goals of the Envision San Jose 2040 General Plan, specifically Historic Preservation Policy LU-13.13. The proposed contract is consistent with General Plan's historic, archeological and cultural resources policies the contract serves as incentives toward fostering the rehabilitation of the subject building of historic significance.

2. The proposed contract would provide greater protection for the landmark property than is otherwise provided by the provisions of Municipal Code Chapter 13.48.

Analysis: The proposed contract provides greater protection for the landmark property in that it will allow the owner, in partnership with the City, to use property tax relief to rehabilitate and maintain the property in accordance with the preservation plan (see Exhibit C of the attached draft Resolution of the Historical Property Contract).

3. The proposed contract complies with the required provisions of Historical Property Contracts listed above.

Analysis: The proposed contract incorporates the required provisions for Historical Property Contract listed in Section 13.48.520 of the San José Municipal Code.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)


The environmental impacts of the project will not have an unacceptable negative effect on adjacent property or properties in that the project has been determined exempt from the provisions of the California Environmental Quality Act (CEQA) per Section 15331. The project is limited to maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of historical resources in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties.

PUBLIC HEARING NOTIFICATION

- ☐ **Criterion 1:** Requires Council action on the use of public funds equal to \$1 million or greater.
(Required: Website Posting)
- ☐ **Criterion 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City.
(Required: E-mail and Website Posting)
- ☐ **Criterion 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. (Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)

Although this item does not meet any of the criteria above, staff followed Council Policy 6-30: Public Outreach Policy. A notice of the public hearing was distributed to the owners and tenants of all properties located within 500 feet of the project site and posted on the City website. The staff report is also posted on the City's website. Staff has been available to respond to questions from the public.

Project Manager: Jennifer Piozet, Planner

Approved by:  , Division Manager for Harry Freitas, Planning Director

Date:

10/28/14

Attachments:

State Department of Parks and Recreation form (DPR523A), dated August 20, 2014, updated October 23, 2014

Draft Resolution for HL14-214

Draft Resolution for MA14-002

Draft Historical Property Contract for MA14-002

Owner/Applicant:

Barry and Maile Del Buono
54 South 14th Street
San Jose, CA 95112

State of California The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
PRIMARY RECORD

Primary #
HRI #
Trinomial
NRHP Status Code 3
Other Listings _____
Review Code _____ Reviewer _____ Date _____

Page 1 of 21 *Resource Name or #: (Assigned by recorder) Daniel D. Tennyson House 54 S. 14th Street, San Jose
P1. Other Identifier: Lot 20 Block 30 of Naglee Park Survey No 1 (1902) *P2. Location: Not for
Publication ☒ Unrestricted

*a. County Santa Clara and (P2c, P2e, and P2b or P2d. Attach a Location Map as necessary.)
*b. USGS 7.5' Quad San Jose East Date 1980 T ; R ; 3 of 3 of Sec ; B.M.
c. Address 54 S. 14th Street City San Jose Zip 95112
d. UTM: (Give more than one for large and/or linear resources) Zone 10, 599539 mE/ 41 33357 mN
e. Other Locational Data: (e.g., parcel #, directions to resource, elevation, etc., as appropriate)
APN 467-27-004

*P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries)
The Tennyson House is a 1 1/2 story artistic version of turn of the century Colonial Revival design that was popular between 1900 and 1920. The building is constructed primarily in wood with a concrete basement. As a single-story plan this is unusual by including a central hall in the design. It has a slightly irregular floor plan and is set on a standard downtown San Jose residential lot that had been subdivided from the estate of Henry Morse Naglee, a prominent San Jose pioneer and Civil War officer. Because Naglee's ranch was subdivided at the turn of the 20th century and developed during the first two decades Naglee Park exhibits an architectural cohesion not found in many other areas of the historic center of the city. The locally designated Naglee Park Conservation Area is one of the most distinctive historic residential enclaves of San Jose.

54 S. 14th Street exhibits the architectural characteristics of California Colonial Revival house design Including its tall hipped, composition-shingled roof with a prominent cornice line and (continued on Page 3)



*P3b. Resource Attributes: (List attributes and codes) HP 2 single family house

P4. Resources Present: ☒ Building
Structure Object Site District
Element of District Other (Isolates, etc.)

P5b. Description of Photo: (view, date, accession #) Front Façade, 8/2014

*P6. Date Constructed/Age and

Source: ☒ Historic Prehistoric
Both

Constructed: 1904 Assessor's records

*P7. Owner and Address:

Barry & Maile Del Buono

54 S. 14th Street

San Jose CA 95112

*P8. Recorded by: (Name, affiliation, and address)

Bonnie Bamburg

Urban Programmers

10710 Ridgeview Avenue

San Jose CA 95127

*P9. Date Recorded: 8/20/2014

*P10. Survey Type: Intensive

*P11. Report Citation: (Cite survey report and other sources, or enter "none.") Naglee Park Conservation Area

*Attachments: NONE Location Map ☒ Continuation Sheet ☒ Building, Structure, and Object Record

Archaeological Record District Record Linear Feature Record Milling Station Record Rock Art Record

BUILDING, STRUCTURE, AND OBJECT RECORD

*NRHP Status Code 3CB/5B

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*Resource Name or # (Assigned by recorder) Daniel D. Tennyson House 54 S. 14th St. San Jose

B1. Historic Name: Tennyson House

B2. Common Name:

B3. Original Use: residence

B4. Present Use: residence

*B5. Architectural Style: Colonial Revival

*B6. Construction History: (Construction date, alterations, and date of alterations) Constructed 1904, Interior modifications 1998

*B7. Moved? ☒ No ☐ Yes ☐ Unknown Date: Original Location:

*B8. Related Features: Mature trees, landscaping and the setting in Naglee Park Conservation Area

B9a. Architect: Wolfe & McKenzie b. Builder: unknown

*B10. Significance: Theme residential architecture Area City of San Jose

Period of Significance 1904-2014

Property Type house

Applicable Criteria CRHR 3 NR C

(Discuss importance in terms of historical or architectural context as defined by theme, period, and geographic scope. Also address integrity.)

The Tennyson house is a candidate San Jose Historic Landmark, and is eligible for listing in the CRHR and NR (contributing to a potential Naglee Park historic district) as a very fine and artistic example of the single-story Colonial Revival style with regional influences as designed by Wolfe and McKenzie, one of San Jose's leading architectural firms at the turn of the century (1900). The house retains the original design, materials, craftsmanship, setting, feeling and association- thus a very high degree of integrity. The property is located on the first block, south of Santa Clara Street, within the initial 1902 Naglee Park Subdivision (Naglee Park Tract Survey No.1 in the City of San Jose, Santa Clara County. The subdivision map was filed on April 15, 1902 and recorded in Book F-2 of Maps, page 15, and showed the parcel as Lot 20 of Block 30), and is within Naglee Park Conversation Area. The Block has maintained the majority of the turn of the century houses, all set behind small front yards with mature street trees that almost form a tunnel. Naglee Park Conservation area is important as one of the finest collections of early 20th century residential architecture in San Jose.

Designed by the regionally important firm of Frank D. Wolfe and Charles S. McKenzie, the house is one of the few the firm designed as single-story in the Colonial Revival style with a central hall. Although less efficient to construct the plan provides more privacy within the house. The plan was shown as plan 96 in the Book of Designs and Plans published by Wolfe & McKenzie in 1907 to market their existing plans, complete with estimates for construction, after the 1906 earthquake destroyed so many homes. The plan is also included in the 2004 publication that presented a compilation of Wolfe & McKenzie's work by George Espanola, the design is shown as plan 76. page 164 in the later volume.

The house has been very well maintained with minor alterations to the interior (kitchen and bathrooms), and the development of usable space in the basement. (continued on page 3)

B11. Additional Resource Attributes: (List attributes and codes) HP 2

*B12. References: City & County public documents, continued
page 26

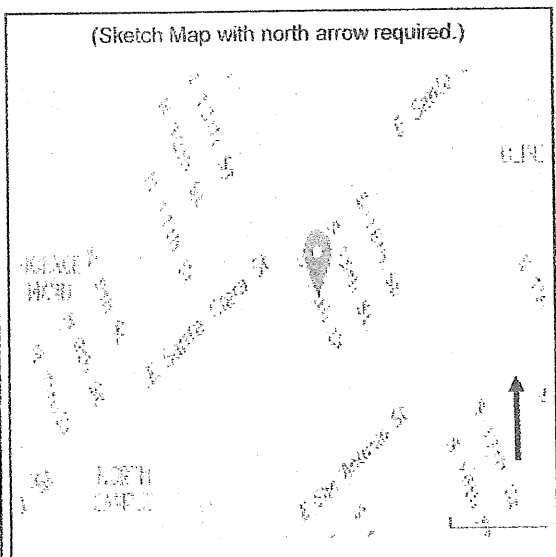
B13. Remarks:

*B14. Evaluator: Bonnie Bamburg & William Zavlariis

*Date of Evaluation: 8/20/2014

(This space reserved for official comments.)

(Sketch Map with north arrow required.)



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*Recorded by: Urban Programmers *Date 8/20/2014 revised 10/10/2014 x Continuation Update

P3.Description continued

deep eave with a large, plain double wooden frieze under the eave. Prominent gabled extensions jut from the center roof which include cross gables at the southwestern corner of the house. The exterior walls are sheathed in narrow wooden horizontal shiplap siding. Pediment-shaped roofs cover a slightly angled bay with another similarly designed gablet forming a portico over the full pediment of the entry landing's roof. A third gablet extends from the mid center of the residence facing the driveway to the south and repeats the design elements and ornament that distinguishes the front elevation. A second smaller bay immediately to the east of this bay appears to be of later construction or remodeled due to its wooden shake roof. There is a projecting squared bay window on the northwest corner of the house. It is distinguished by the size and number of wooden scroll shaped supports both at the roofline and under the bay window. Various metal vents, pipes, and a centered metal chimney punctuate the hipped roofline. To the rear of the house there is a detached wooden garage with a hipped roof and wooden sheathing constructed on a rectangular floor plan.

The home is characteristic of the architectural style that was a return to more chaste minimal ornament after the flamboyance of the high Victorian Queen Anne designs of the last two decades of the 19th century. This structure exhibits plain friezes, unadorned string courses, and simple rectangular fenestration with plain flat board window surrounds and large plate glass windows with small ornamental patterns in the transom spaces above. The front entry portico is also fairly simple with a straight 8 step wooden stair enclosed by squared wooden end posts and simple wooden plank balusters.

The most interesting design feature of this site is in the over-scaled ornamental wooden supports at the ends to the gable faces. These supports are very ornately carved and much larger than normal for such details. Additionally, the squared bay on the northwest corner of the house exhibits a large row of wooden, scroll shaped, incised carved supports under the eave and also under the bay window itself. The south-facing angled bay window repeats the ornamentation of the primary front façade bay.

Other details that distinguish the site include the ornamented oriel window in the front gable face and the cartouche ornament under the porticos' gable face. The other unusual feature is the two over-scaled and prominent fluted, wooden Doric columns that frame the raised entry as well as a second elliptical-shaped window facing southward just before the projecting angled bay. Rows of carved dentils are found under the eaves and within the gable faces. These interesting details set the house apart from similarly dated residences of like architectural design found throughout the downtown area.

The prominent raised basement adds another unique feature to the house. Its raised stringcourse separates it from the first floor. The basement features simple, rectangular double hung windows with unadorned wooden surrounds with multi lights and, in the case of the south-facing window, fenestration constructed in casement design.

The front elevation is set two concrete steps above the sidewalk level and is reached by a straight concrete walkway that separates two equal rectangular patches of lawn. Concrete block pads with some inlaid brick ornamentation separates the lawn from the house itself and allows an area for some potted plants. A small concrete curb separates the lawn area from the public sidewalk. This detail is a typical separation between

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the wood frame building and areas that would be planted and watered.

The rear façade appears to have been extended in 1987 when the City of San Jose issued building permit 68172 to the owner, Susan Tannunbaum for an addition to the master bedroom of 115.5 square feet. Richard Woosley- RW Construction was the contractor.

The site is enhanced by its mature landscaping. There are beautiful, large sycamores along S.14th Street as well as a large redwood tree that is located on the southwest corner of the lot.

In summary, the house is a very fine example of the single-story Colonial Revival style. It was designed by regionally significant architects, Wolfe & McKenzie and has been well maintained over the years retaining historic materials and craftsmanship. As part of the Naglee Park Tract (Naglee Park Conservation Area), in a setting that has a high degree of integrity, this house is an architectural landmark that will continue to communicate the development history of Naglee Park and San Jose.

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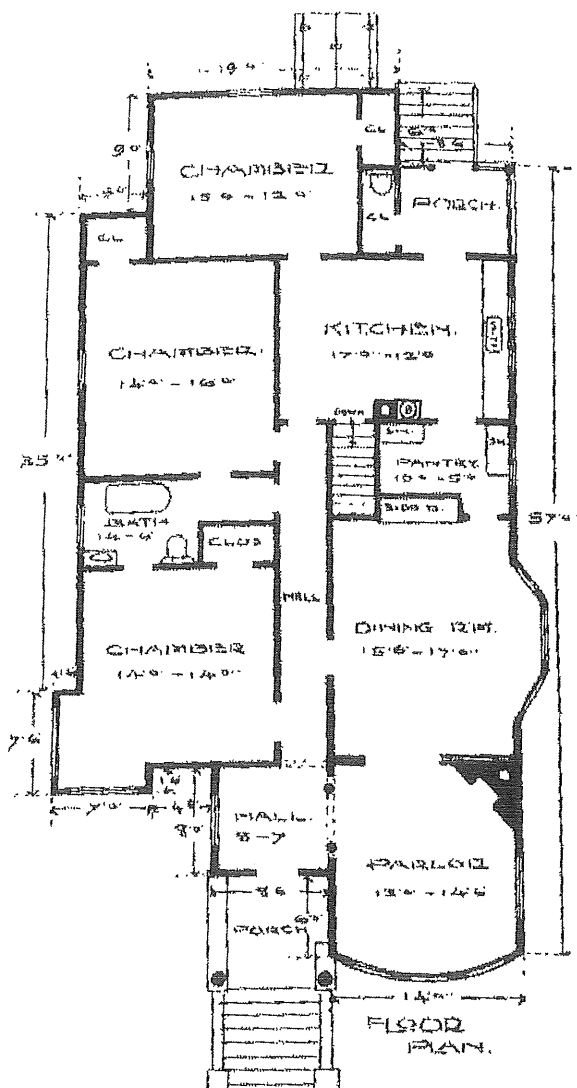


Figure 1
Floor plan of 54 S. 14th Street
showing the original design by
Wolfe & McKenzie.
Source: Espanola, George,
Cottages, Flats, Buildings &
Bungalows 102 Designs from
Wolfe & McKenzie, 1907, Bay
& Valley Publishers, San Jose
CA 2004

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P5b Photographs and descriptions- continued:



54 S. 14th Street

View Front façade showing the high level of integrity to the original design.

Photograph: 8/15/2014

Source: Urban Programmers

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54 S. 14th Street

View: Front façade rounded bay. Note the ornate Ionic column capitals on the porch columns, dentals and brackets under the extended eaves

Photograph: 8/15/2014

Source: Urban Programmers

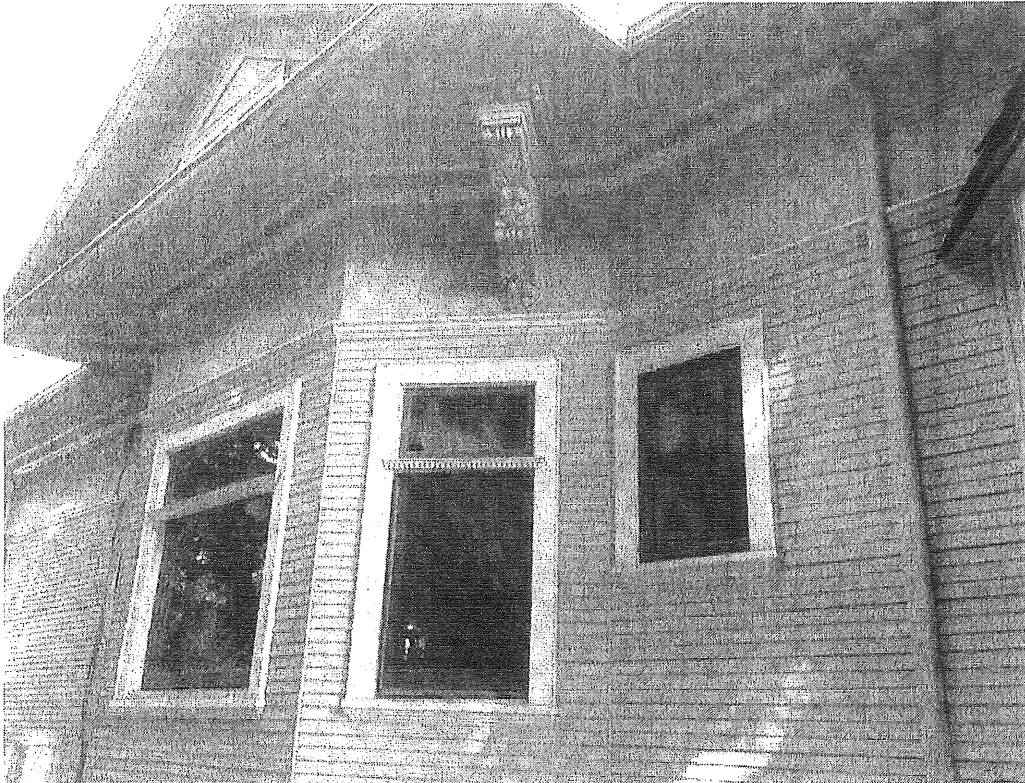
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54 S. 14th Street

View: South side façade with slanted bay. Note ornate bracket under the eave.

Camera facing east

Photograph: 8/15/2014

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54 S. 14th Street

View: South side façade. Note round window and extended eaves with carved brackets.

Camera facing: west

Photograph: 8/15/2014

Source: Urban Programmers

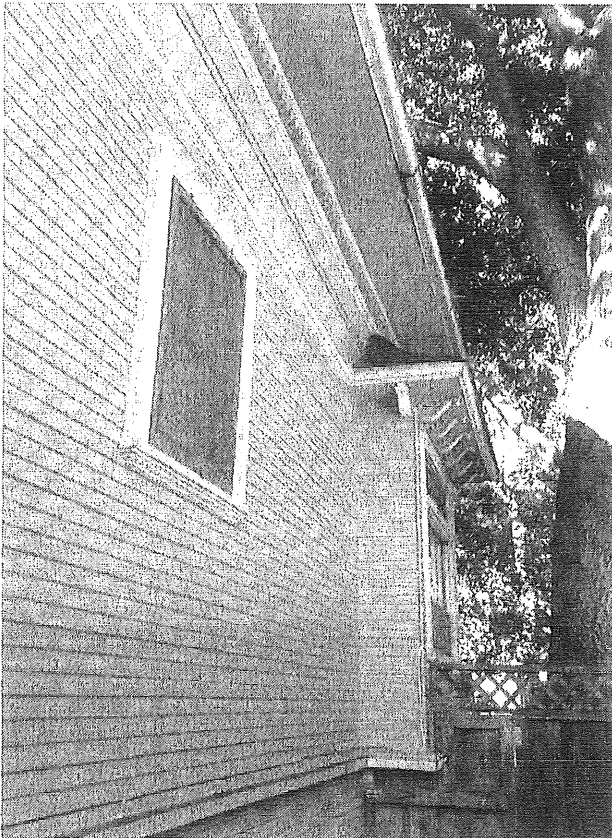
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54 S. 14th Street
View: North side façade
Camera facing west
Photograph: 8/15/2014

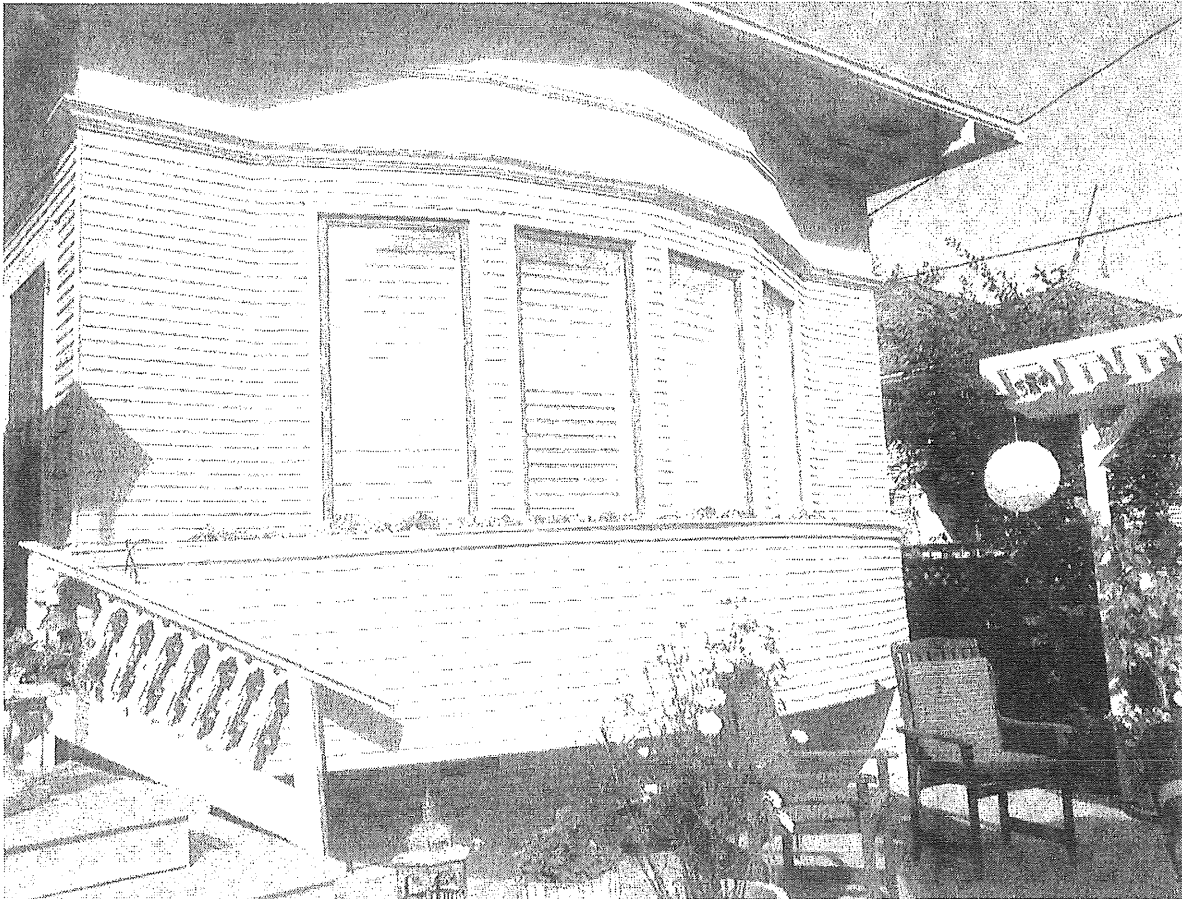
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54 S. 14th Street
View: Rear façade
Photograph: 8/15/2014
Source: Urban Programmers

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*Recorded by: Urban Programmers *Date 3/26/2014 revised 10/10/2014 x Continuation Update

Significance B10 continued:

Historical Context and Development

The first known inhabitants of the Santa Clara Valley were the Tamien tribe, part of the Coastal Ohlone language group. The first Europeans to come to the Santa Clara Valley was Sergeant Jose Ortega and the Portola Expedition in 1769. Noting the fine soil, by 1777 the first civil settlement in California was established by Spain as El Pueblo de San Jose de Guadalupe, established along the east bank of the Guadalupe River. The purpose of the community was to provide food and services for the Presidios at San Francisco and Monterey. This remained until 1822 when Mexico gained control of California and the era of Ranchos- large land grants given by the Mexican Governors often in recognition for service in the military. This is also when more foreign settlers began arriving in California and agriculture began to change from grazing to grain crops and constructing mills. When the Americans took control in 1946, there was a population to support moving toward statehood which happened in 1850. This is the period when General Naglee acquired a large track of land east of the City of San Jose's boundary; the acreage went from Santa Clara Street at 11th to the Coyote Creek and south to William Street. The country house sits on the NW corner of San Fernando and South 14th St. During the Gold Rush of 1849 farmers in the Santa Clara Valley supplied miners and growing communities with fresh fruits and vegetables and made money doing so. The influx of people and the availability of good soil around San Jose brought many new farmers and orchardists to the area, beginning the era of horticultural growth and expansion.

Horticultural Expansion 1870-1918

Grape crops found an instant market in the late 1870s and '80s because wine was in high demand and dried raisins remained a desired seasonal commodity. In the sprawling orchards, the most popular fruit was the small French prune imported by Louis and Pierre Pelier, known as the "la Petite Prune d'Agen," a fruit that would dominate the agricultural industry in Santa Clara Valley. Drying and then fruit processing led the area's supply into world markets and became the economy of the region. The growth in agriculture attracted increased population into the City that included professional architects, dentists, doctors, lawyers and government service agents. All aspects of business were increased during this period of growth and development centered on the economy of agriculture. In the city, housing filled vacant lots and immediately overtook any land not in productive use.

The Hensley Estate north of downtown was divided in 1886, as was College Park off The Alameda. General Naglee's estate was subdivided in 1902 followed by Hanchett Park in 1907. The City was expanding in all directions.

General Naglee died in 1886 and left his properties to his daughters. They closed his distillery but could not sell the Naglee Park land due to restrictions in Naglee's will. By 1902 the restrictions in his will had run out and Naglee's daughters, who were married and not living in San Jose, together with their husbands, formed the Naglee Park Improvement Company to develop the acreage. Also part of the development company were two real estate firms: Berry and Bangs in San Francisco and Wooster, Whitton, and Montgomery (T.S. Montgomery) in San Jose.¹ The timing was right. The depression of the 1890s was over and San Jose was experiencing a population increase, mostly related to the processing of fruit and related industries. The Naglee Park subdivision was advertised as a planned development with conditions of sale that would guarantee an upper-class residential neighborhood. It began

¹ Douglas 1998:32

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developing from Santa Clara Street south. The first two blocks on the map were filed in 1902 the second subdivision map extending further south was filed in 1905. The deeds required that homes in Naglee Park were to have a construction value of at least \$2000, garages (but no barns), and no commercial activities. It was marketed as an upper middle class residential neighborhood and attracted professional and business owners as the new residents. The opportunity for new homes in close proximity to the downtown was very popular and all 600 lots sold. In less than 10 years the Naglee Park Improvement Company had completed its business of selling the lots and was dissolved.

54 S. 14th St., San Jose

As part of the upper rising middle-class, at the turn of the century, Daniel and Lillie Tennyson lived at 661 7th St. while raising their family and seeing that their older boys graduated from UCSF as dentists. When the Naglee Park Subdivision opened they were among the first to purchase a lot- Block 30 was within the first block south of Santa Clara Street and lot 20 (54 S. 14th St) was in the middle of the block. They were among the first of the successful business and professional families to purchase a lot and to commission the socially fashionable firm of Wolfe & McKenzie to design the new house, further claiming a kinship with the other successful business people in San Jose. Naglee Park represented a step up and acknowledgement of social status in San Jose. Most of the early purchases were by families who had gained success in their businesses and they traveled in a social strata slightly below the very wealthiest families. The Colonial Revival style chosen by the Tennysons was unusual, the firm designed only a few in that style, and single story versions were less common, but this choice may have harkened to their eastern upbringing. The single story house also shows that they were conservative as their older sons had graduated and set up dental practices and had families of their own, yet the house was large enough for one son to remain at home and care for the Tennysons who lived the rest of their lives in the house. Completed in 1904, it is included as plan #76 in the 1907 Wolf & McKenzie *Book of Designs: 100 plans of Cottages, Flats, Buildings & Bungalows with Estimates & Figured Measurements on All Plans*.

Daniel Tennyson was born in St. Joseph County, Michigan November 9, 1847. He was educated in local schools and worked on his family farm. He fought during the Civil War for the Union Army in the 13th Regiment Company E from July 10, 1864 to June 1865.² He left the service in Lexington, Kentucky. In 1877 Daniel, his wife Lillie, and young sons Howard and Clarence came to San Jose and lived at 661 Seventh Street.³ In 1880 Daniel filed a patent letter that described his invention of certain new and useful improvements in retorts for reducing ores containing volatile metals. He was granted patent 241,833 on May 24, 1881. This appears to have been Daniel Tennyson's only patented invention. Tennyson's primary career was as a Pension Agent for retiring veterans and Land Agent under the auspices of the U.S. Interior Department.⁴ However, with his farming background he also maintained orchards throughout the County.⁵ In 1882 his office was in the Martin Block, room 23.⁶ In 1891 the U.S. Congress passed appropriations to prescribe the rules and allow the 18 Pension Agents of the Department of the Interior an annual salary of \$4,000. By the 1900 U.S. Census the family was living at 384 N. Sixth Street San Jose. By the late 1890s sons Howard and Clarence had entered the University of California dental school in San Francisco. Daniel Tennyson was listed in the 1898 San Francisco City Directory as a pension agent and living at 808 Van Ness with his sons. Lillie

² Del Buono 2014:22

³ U.S. Census 1880, San Jose, Santa Clara County, California

⁴ U.S. Congressional Appropriations 1891

⁵ Espanola, G, .204:165

⁶ Polk City Directory 1882,:p 353.

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Tennyson and youngest son Julius Blair Tennyson, the foreman mail clerk at the Post Office, maintained their home in San Jose. In 1909, it was Mr. Tennyson's turn to apply for his pension earned for his time served in the Union Army during the Civil War. Lillie died April 21, 1931 at age 76. Daniel died at age 85 on February 27, 1933. Both are buried at Cypress Lawn Cemetery in Colma, California.

Of the three Tennyson sons, only Julius remained in San Jose and lived in the house on S.14th Street. Dentists, Dr. Howard Tennyson practiced and lived in San Francisco while his brother Dr. Clarence Tennyson practiced in Lodi.

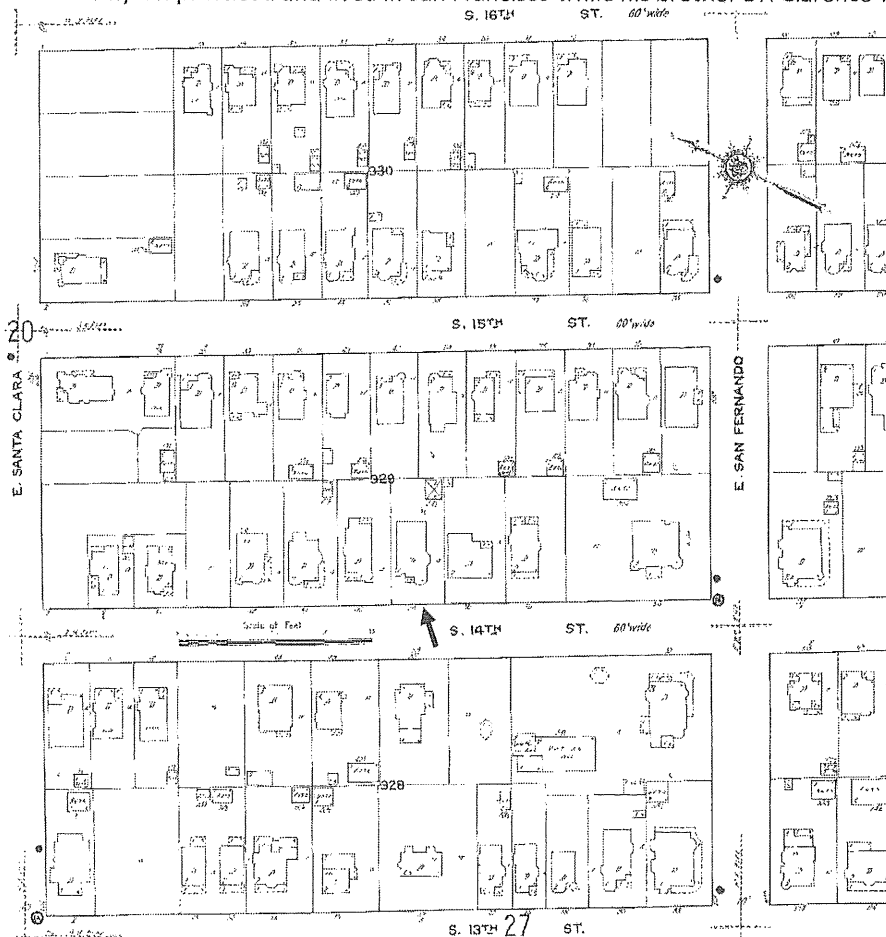


Figure 2 Section of the Sanborn Map, San Jose 1915 Volume 1, and page 21.

In 1935 William Lewis occupied the subject property. One year later, in 1936, Peter J. Pingle and Bertha Pingle were the owners. Pingle was born in Germany and worked for the Southern Pacific Railroad. Four years later the property was acquired by William H. Bronson and his wife Inez.

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Prior to moving to S. 14th Street, the Bronson family lived on Martha Street in San Jose. Mr. Bronson was a foreman in warehousing. By 1940 Bronson was employed as a machinist in manufacturing equipment. The couple shared their house with their son William H. (22 yrs), daughter Helen (21 yrs), and Inez's father George Keep. ⁷ By the mid-1940s the children had moved out and George Keep had passed away. The Bronson family lived at 54 S. 14th Street until the mid-1960s.

The next owner, Mr. H. Piegrass, was an investor in the late 1960s who rented the house to SJSU students. A City Building Permit for electrical work described the house as an apartment building. In the late 1970s the house was purchased by Mr. Samuel Hernandez, (professor of art at SCU) who later sold the house in the mid-1980s to real estate broker, Mr. John Pinto (Ellen). A year later the house was sold to Silicon Valley executive, Ms. Susan Tanenbaum (Daniels) who did some remodeling to the interior and basement. The current owners are Dr. Maile and Barry Del Buono.

Wolfe & McKenzie Architects: The partnership of architects Frank D. Wolfe and Charles McKenzie resulted in one of the most prolific architectural firms in San Jose and spanned the last decade of the nineteenth century through the first of the twentieth. They created a stylistic regional architectural style that characterizes many of the residential neighborhoods in San Jose during the first decades of the twentieth century. It appears both men came to the partnership without formal architectural education. After he arrived in San Jose with his family from Kansas, Frank Wolfe, like his father and grandfather, was trained as a carpenter. Wolfe displayed a talent for design and architectural drawing when he worked for the architect W.L. Ross. During the building boom of the 1890s, Frank Wolfe worked as a carpenter building houses in the south campus area. He then joined the office architectural practice of Joseph O. McKee (ship Captain turned Architect) and acquired the firm when McKee retired to his Berryessa farm in 1894.

Charles McKenzie was the son of a draftsman and cabinetmaker who arrived in California in 1876. At age 18 he became a draftsman with San Jose architect Joseph O. McKee where he met Frank Wolfe. After McKee retired and Wolfe took over the firm, McKenzie remained and became a partner in Wolfe & McKenzie. The pair had experience designing the Queen Anne and pre-1900 popular styles, but after they became partners their designs moved to the more modern and less complicated building styles that reflected designs with efficient construction and modern (for the era) floor plans. Their designs, eclectic and encompassing elements of popular styles, were so numerous that they became a regional style of their own in San Jose and the Bay Area.

The firm was successful and prolific. They specialized in residential designs for homes constructed in turn of the century subdivisions of former grand estates. Naglee Park (former home and gardens of General Henry M. Naglee) was developed as a planned subdivision of 600 home sites beginning in 1902. All sold within 10 years. Wolfe and McKenzie designed approximately 20 % of the homes in the Naglee Park subdivision. Following the 1906 earthquake, the firm provided public and commercial building designs to rebuild the community, but found the residential markets more lucrative. In 1907 they published the *Book of Designs: 100 plans of Cottages, Flats, Buildings & Bungalows with Estimates & Figured Measurements on All Plans*. Pattern books were not a new idea, but this one caught the attention of new and old residents who wanted a modern home, especially in planned subdivisions. The book featured designs that had been built and the costs could be relied upon. Then, like today, home buyers liked to

⁷ U.S. Census 1940

⁸ The information used in this section about Wolfe & McKenzie is sourced primarily from George Espanolia's publication *Cottages, Flats, Buildings & Bungalows 102 Designs from Wolfe & McKenzie, 1907*, Bay & Valley Publishers, San Jose CA 2004

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know what they were getting and how much it would cost. When the next large subdivision in San Jose, Hachette Park, came to market it featured two of their homes in the initial opening and those were followed by many more. The book appears to have been successful in generating new clients. The firm's residential business increased and peaked at 50 home designs in 1910. This was also the year the partnership was dissolved.

Frank Wolfe practiced alone for the next 18 years. For part of that time (1912-1915) he associated with his son as Wolfe & Wolfe. In 1918 Wolfe partnered with William E. Higgins as Wolfe & Higgins. The firm earned success designing schools and commercial buildings as well as apartments and residences. Frank D. Wolfe died in 1926. His son inherited his partnership with Higgins.

Charles McKenzie did not associate with another partner. Under his own name he maintained a prolific practice in architecture designing homes, apartments, public buildings, commercial buildings, and religious edifices. He closed his office in 1941 but continued to work for defense contractors until the end of WWII. He retired in San Jose and died in 1957.

EVALUATION OF SIGNIFICANCE

The property was evaluated using the criteria of the City of San Jose Historic Preservation Ordinance and Municipal Code Section 13.48.202 (definitions) that were incorporated in the revised Guidelines for Historic Reports (February 26, 2010), the California Register of Historical Resources, and the National Register of Historic Places. When evaluated by these criteria the property was found to be significant to the history and architectural heritage of San Jose.

San Jose Historic Landmark (Ordinance # 17927 and Municipal Code Section 13.48.020 (definitions))

The revised Guidelines for Historic Reports (February 26, 2010) add the following considerations:

Prior to recommending approval or modified, the historic landmarks commission shall find that said proposed landmark has special historical, architectural, cultural, aesthetic, or engineering interest or value of an historical nature, and that its designation as a landmark conforms with the goals and policies of the general plan. In making such findings, the commission may consider the following factors, among other relevant factors, with respect to the proposed landmark:

1. Its character, interest, or value as part of the local, regional, state, or national history, heritage, or culture;
2. Its location as a site of a significant historic event;
3. Its identification with a person or persons who significantly contributed to the local, regional, state, or national culture and history;
4. Its exemplification of the cultural, economic, social, or historic heritage of the city of San José;
5. Its portrayal of the environment of a group of people in an era of history characterized by a distinctive architectural style;
6. Its embodiment of distinguishing characteristics of an architectural type or specimen;
7. Its identification as the work of an architect or master builder whose individual work has influenced the development of the city of San José;
8. Its embodiment of elements of architectural or engineering design, detail, materials, or craftsmanship which represents a significant architectural innovation or which is unique.

The San Jose Historic Preservation Ordinance #17927, as amended, contains criteria that were developed using the above definitions used in a format that more closely is patterned after the California Register of Historic Resources

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and the National Register of Historic Places. The combination of the definitions and criteria comprise the evaluation process. The criteria are as follows:

1. Identification or association with persons, eras, or events that have contributed to local, regional, state, or national history, heritage, or culture in a distinctive, significant, or important way;
2. Identification as, or association with, a distinctive, significant, or important work or vestige;
 - a. Of an architectural style, design, or method of construction;
 - b. Of a master architect, builder, artist, or craftsman;
 - c. Of high artistic merit
 - d. The totality of which comprises a distinctive, significant, or important work of vestige whose component parts may lack the same attributes;
 - e. That has yielded or is substantially likely to yield information of value about history, architecture, engineering, culture, or aesthetics, or that provides for existing and future generations an example of the physical surroundings in which past generations lived or worked; or
 - f. The factor of age alone does not necessarily confer a special historical, architectural, cultural aesthetic, or engineering significance, value, or interest upon a structure or site, but it may have such effect if a more distinctive, significant, or important example thereof no longer exists.

Criterion 1 The house at 54 S. 14th Street is part of the turn of the century expansion in San Jose as a result of the growth promoted by the agricultural economy, however it is not an individually significant association.

Criterion 2 a. The Tennyson House at 54 S. 14th Street is a distinctive and significant example of single-story Colonial Revival design.

Definitions: 1 & 6. It represents a building of distinctive architectural character that has substantial value in the architectural heritage of San Jose.

Criterion 2 b. The house was designed by the local master architects, Wolfe and McKenzie.

Definitions: 7. The architectural firm of Wolfe and McKenzie provided San Jose with a unique adaption of styles that are found in Naglee Park, Hanchett Park, College Park and other areas of San Jose that define the period from 1900-1930 in residential architecture in the City.

Criterion 2 c. The building retains the original highly artistic design.

Definitions 6. The design incorporates fine craftsmanship in achieving the elements of the design in an artistic and attractive way.

Criterion 2 d. The Tennyson House is within and contributes to the Naglee Park Conservation Area.

The Naglee Park Conservation Area is bounded by E. Santa Clara Street on the north, S 11th Street on the west, Coyote Creek on the east, and E. William Street on the south. The district is noted for fine early 20th century residences in an eclectic variety of architectural styles including bungalows and the Spanish Colonial and Colonial Revival styles, many of which were designed by local architects.

As stated above, the Tennyson House embodies special distinguishing and artistic characteristics of the Colonial Revival style, an architectural type. The design constitutes a highly artistic, regionally adapted, version of the Colonial Revival style as created by the architectural firm, Wolfe and McKenzie, who are considered master architects within the context of San Jose and its development during the first decades of the 20th Century. While not an innovation,

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the single-story house was designed with a central hall that provides more privacy to the occupants but is more expensive to build and was not in common use when the house was constructed.

San Jose Historic Landmarks Commission's Evaluation for Significance establishes the following levels of significance:

- 33-+ Potential Historic Resource (evaluate for possible status as a City Landmark/Cal Register resource)
Consider for Historic Landmark designation
- 32-0 Non-significant

The building rated an adjusted total of: 84 points

This rating confirms that the building is a candidate San Jose City Landmark. The San Jose Planning Department's Historic Evaluation Sheet and Evaluation Tally Form are located in the appendix to this report.

California Register of Historical Resources - Eligibility Statement

The criteria for listing historical resources in the California Register are consistent with those developed by the National Park Service for listing resources in the National Register of Historic Places, but have been modified for state use in order to include a range of historical resources which better reflect the history of California. A historical resource must be significant at the local, state, or national level under one or more of the following four criteria:

1. It is associated with events that have made a significant contribution to the broad patterns of local or regional history, the cultural heritage of California, or the United States;
2. It is associated with the lives of persons important to local, California, or national history;
3. It embodies the distinctive characteristics of a type, period, region, or method of construction, represents the work of a master, or possesses high artistic values; or
4. It has yielded, or is likely to yield, information important to the prehistory or history of the local area, California, or the nation.

In addition, the resource must retain enough of its historic character or appearance to be recognizable as a historic property and to convey the reason for its significance.

Criterion 3. The Tennyson House at 54 S. 14th Street is a distinctive example of residential architecture that is highly artistic and a fine example of the Colonial Revival style of architecture as designed by Wolfe & McKenzie. The building retains a high degree of integrity. The architectural firm is considered to be master architects in interpreting the styles popular during the first decade of the twentieth century and providing a regional style that characterizes much of the residential architecture developed during that period in San Jose. The Tennyson House is a contributing property to the Naglee Park Conservation Area, an area that appears eligible for designation as a CRHR Historic District for its development history and the rich, diverse early twentieth century architectural styles designed by locally significant architects.

The Daniel D. Tennyson House is eligible for individual listing in the California Register of Historical Resources under Criterion 3, and as a contributing property in the Naglee Park Conservation Area a potential Historic District

National Register of Historic Places – Standards (Criteria)

The National Register of Historic Places has established standards for evaluating the significance of resources that are important in the heritage of the nation. Historic resources may be considered important at the local, state, or

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national level. To apply the standards the resource must be considered within significant historical contexts. The standards, age, and integrity statements follow:

1. A property must be fifty years old
2. The resource must retain architectural and historical integrity.
3. The resources must meet at least one of the following criteria
 - a. are associated with events that have made a significant contribution to the broad patterns of our history; or
 - b. are associated with the lives of persons significant in our past; or
 - c. embody the distinctive characteristics of a type, period, or method that possess high artistic values, or that represents a significant and distinguishable entity whose components may lack individual distinction; or
 - d. have yielded, or may be likely to yield, information important in prehistory or history.

The Daniel D. Tennyson House is over 50 years old, yet it does not appear to meet the criteria to be individually listed in the National Register of Historic Places. It would be eligible as a contributing property in a Naglee Park Historic District of early 1900 residential architecture, should one be nominated.

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[illegible]

***Required information**

RESOLUTION NO.

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSÉ
DESIGNATING, PURSUANT TO THE PROVISIONS OF CHAPTER
13.48 OF TITLE 13 OF THE SAN JOSÉ MUNICIPAL CODE, THE
DANIEL D. TENNYSON HOUSE, LOCATED AT 54 SOUTH 14th
STREET AS A CITY LANDMARK OF SPECIAL HISTORICAL,
ARCHITECTURAL, CULTURAL, AESTHETIC OR ENGINEERING
INTEREST OR VALUE OF A HISTORIC NATURE**

HL14-214

WHEREAS, Chapter 13.48 of Title 13 of the San José Municipal Code provides for the designation of structures and/or sites of special historical, architectural, cultural, aesthetic or engineering interest or value of a historical nature as landmarks by the City Council of the City of San José; and

WHEREAS, said Chapter 13.48 of Title 13 provides that any historic property can be nominated for designation as a City Landmark by the City Council, the Historic Landmarks Commission, or by application of the owner or the authorized agent of the owner of the property for which designation is requested; and

WHEREAS, the Director of Planning, Building and Code Enforcement initiated the procedure pursuant to said Chapter 13.48 of Title 13 for consideration of such landmark designation for the Daniel D. Tennyson House located at 54 South 14th Street; and

WHEREAS, said Chapter 13.48 of Title 13 provides that before this Council may designate any building as a landmark, it shall hold at least one public hearing on such proposed designation, and that before it holds said public hearing, the Director of Planning, Building and Code Enforcement shall set the public hearing of said proposed landmark designation to the Historic Landmarks Commission of the City of San José for its consideration at a public hearing and for its report and recommendation thereon; and

WHEREAS, within the time and in the manner provided by Chapter 13.48 of Title 13, the Historic Landmarks Commission did, on November 5, 2014 at 6:30 p.m., conduct a public hearing on said landmark designation and recommend approval of the designation of the Daniel D. Tennyson House, located at 54 South 14th Street,

described hereinafter in Section 1 of this Resolution, as a landmark of special historical, architectural, cultural, aesthetic or engineering interest or value of a historic nature and made certain findings with respect thereto; and

WHEREAS, a copy of the City of San José Historic Landmark Nomination Form No. HL14-214 upon which such recommendation was made is on file in the Planning Division of the City of San José and available for review; and

WHEREAS, within the time and in the manner provided by said Chapter 13.48 of Title 13, the Director of Planning, Building and Code Enforcement gave notice that on December 2, 2014 at 1:30 p.m., or as soon thereafter as said matter could be heard, this Council would, in the City Hall of the City of San José, 200 East Santa Clara Street, San José, California, hold a public hearing on said landmark designation, at which hearing any and all persons interested in said proposed designation could appear and avail themselves of an opportunity to be heard and to present their views with respect to said proposed designation; and

WHEREAS, the subject property is all that real property located within the City of San José at 54 South 14th Street and described in Exhibit "A," which exhibit is attached hereto and made a part hereof by this reference as if fully set forth herein; and

WHEREAS, at the aforesaid time and place set for hearing, or to which the hearing was continued, this Council duly met, convened, and gave all persons full opportunity to be heard and present their views with respect to said proposed landmark designation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN JOSÉ AS FOLLOWS:

SECTION 1. In accordance with the provisions of Chapter 13.48 of Title 13 of the San José Municipal Code, the Historic Preservation Ordinance, this Council does hereby designate the hereinafter described Daniel D. Tennyson House, located at 54 South 14th Street, as a landmark of special historic, architectural, cultural, aesthetic or engineering interest or value of a historic nature.

SECTION 2. Said designation is based on the following criteria of the Historic Preservation Ordinance: ***[This section to be updated to reflect actual City Council action taken.]***

- Criterion 1. The character, interest or value of the house as part of the local, regional, state or national history, heritage or culture for the recognized historic context within the Naglee Park Conservation Area;
- Criterion 6. The structure embodies distinguishing characteristics of an architectural type or specimen as an example of the California Colonial Revival style; and
- Criterion 7. It is the work of architects Wolfe & McKenzie, whose individual work has influenced the development of the City of San José.

SECTION 3. The City Clerk is hereby directed to notify those persons designated in San José Municipal Code Section 13.48.110, Subsection L, in the manner specified by said Section and to direct the recordation of a Notice of Granting of this resolution in the Office of the Recorder of the County of Santa Clara.

PASSED FOR PUBLICATION of title this day of 2014, by the following vote:

AYES:
NOES:
ABSENT:
DISQUALIFIED:

CHUCK REED
Mayor

ATTEST:

TONI TABER, CMC
City Clerk

EXHIBIT "A"
LEGAL DESCRIPTION
FOR
DANIEL D. TENNYSON HOUSE
54 S 14TH STREET
HL14-214

Escrow No.: 09-98504285-SM
Locate No.: CACT17743-7743-2985-0098504285
Title No.: 09-98504285-JN

EXHIBIT "A"

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF SAN JOSE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

Beginning at a point on the Easterly line of Fourteenth Street, formerly Priest Street, distant thereon 275 feet Northerly from the point of intersection of the Easterly line of Fourteenth Street with the Northerly line of San Fernando Street, as said Streets are shown on the Map hereinafter referred to; thence running Northerly along the Easterly line of Fourteenth Street 55 feet; thence running at right angles Easterly and parallel with the Northerly line of San Fernando Street, 127.96 feet; thence running at right angles Southerly and parallel with the Easterly line of Fourteenth Street 55 feet; thence running at right angles Westerly and parallel with the Northerly line of San Fernando Street, 127.96 feet to the point of beginning, and being Lot 20, Block 30; as shown on that certain Map entitled "Map of the Naglee Park Tract Survey No. 1 in the City of San Jose, Santa Clara County," which Map was filed for record in the Office of the Recorder of the County of Santa Clara, State of California, on April 15, 1902 in Book F-2 of Maps at page(s) 15.

APN: 467-27-004

RESOLUTION NO.

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSÉ
APPROVING A HISTORICAL PROPERTY CONTRACT WITH
BARRY AND MAILE DEL BUONO FOR THE DANIEL D.
TENNYSON HOUSE (CITY LANDMARK NO. HL14-214) LOCATED
AT 54 SOUTH 14th STREET**

MA14-002

WHEREAS, California Government Code Section 50280, et seq. and Chapter 13.48 of Title 13 of the San José Municipal Code authorize the City of San José to enter into agreements with the owners of qualified historical property to provide for the use, maintenance and restoration of such historical property so to retain its characteristics as property of historical significance; and

WHEREAS, Barry and Maile Del Buono possess fee title in and to that certain real property, together with associated structures and improvements thereon, generally located at the street address 54 South 14th Street, City Landmark No. HL14-214 (hereinafter referred to as the “Historic Landmark”) and

WHEREAS, on December 2, 2014, the City Council of the City of San José adopted its Resolution No. _____ thereby declaring and designating the Historical Landmark as a historical landmark structure pursuant to the terms and provisions of Chapter 13.48 of the San José Municipal Code; and

WHEREAS, the City of San José and Barry and Maile Del Buono, for their mutual benefit, now desire to enter into an agreement both to protect and preserve the characteristics of historical significance of the Historical Landmark and to qualify the Historical Landmark for an assessment of valuation pursuant to the provisions of Chapter 3, of Part 2, of Division 1 of the California Revenue and Taxation Code; and

WHEREAS, within the time and in the manner provided by said Chapter 13.48 of Title 13, the Historic Landmarks Commission did, on November 5, 2014 at 6:30 p.m., conduct a

public hearing on a Historical Property Contract for the Historical Landmark and recommend approval of that agreement (hereinafter “Agreement”); and

WHEREAS, a copy of the Agreement upon which such recommendation was made is on file in the Office of the City Clerk of the City of San José; and

WHEREAS, the subject property upon which the Historical Landmark is situated is all that real property described in Exhibit "A," which is attached hereto and made a part hereof by this reference as if fully set forth herein; and

WHEREAS, within the time and in the manner provided by said Chapter 13.48 of Title 13, the Council did give notice that on December 2, 2014 at 1:30 p.m., or as soon thereafter as said matter could be heard, this Council would, in the City Hall of the City of San José, 200 East Santa Clara Street, San José, California, hold a public hearing on said Agreement at which hearing any and all persons interested in said Agreement could appear and avail themselves of an opportunity to be heard and to present their views with respect to said proposed Agreement; and

WHEREAS, at the aforesaid time and place set for hearing, or to which the hearing was continued, this Council duly met, convened, and gave all persons full opportunity to be heard to present their views with respect to said proposed Agreement.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN JOSÉ THAT:

SECTION 1. In accordance with the provisions of Chapter 13.48 of Title 13 of the San José Municipal Code, this Council does hereby approve the Historical Property Contract with Barry and Maile Del Buono, owners of the Daniel D. Tennyson House (City Landmark No. HL14-214) located at 54 South 14th Street and makes the following findings:

- a. The Agreement is consistent with the General Plan, in that preservation of specific structures or special areas is a part of the Envision San Jose 2040 General Plan *Policy LU-13.13* to foster the rehabilitation of buildings, structures, areas, places, and districts of historic significance; utilize incentives permitting flexibility as to their uses; transfer of development rights; tax relief for designated landmarks and districts; easements;

alternative building code provisions for the reuse of historic structures; and financial incentives;

- b. The Agreement would provide greater protection for the Historical Landmark property than is otherwise provided by the provisions of San José Municipal Code Chapter 13.48 in that the owner, in partnership with the City, may use property tax relief to rehabilitate and maintain the property in accordance with the preservation plan, Exhibit “C” of the contract; and
- c. The Agreement complies with the requirements of Section 13.48.520 of Chapter 13.48 of Title 13 of the San José Municipal Code Contracts incorporate the Municipal Code’s required provisions for Historical Property Contracts, including the following: A description of the Landmark Property subject to the Contract, a provision that the term of the Contract is a minimum period of ten years, specific conditions requiring preservation of the Landmark, provision for the periodic examination of property, and a requirement that the property owner annually expend an amount equal to a minimum of 10% of the annual tax savings resulting from the Contract, and a provision that the Contract is binding upon—and shall inure to the benefit of—all successors in interest of the owners in the property.

SECTION 2. Pursuant to the San José Municipal Code, Chapter 13.48, the City Clerk is hereby directed to notify the owner of the Historical Landmark subject to the Agreement and directed to record the Agreement in the Office of the Recorder of the County of Santa Clara.

ADOPTED this _____ day of _____ 2014, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

CHUCK REED
Mayor

ATTEST:

TONI TABER, CMC
City Clerk

EXHIBIT “A”
LEGAL DESCRIPTION
FOR
DANIEL D. TENNYSON HOUSE
184 S 13TH STREET
MA14-001

ORDER NO. : 0616009868-

EXHIBIT A

The land referred to is situated in the County of Santa Clara, City of San Jose, State of California, and is described as follows:

Lot 18, Block 42, as delineated upon that certain Map entitled, "Map of the Naglee Park Tract Survey No. 1", filed for record in the Office of the Recorder of the County of Santa Clara, State of California, on April 15th, 1902 in Book F-2 of Maps, at Page 15.

APN: 467-27-059

EXHIBIT “B”
MILLS ACT CONTRACT
FOR
DANIEL D. TENNYSON HOUSE
54 S 14TH STREET
MA14-002

HISTORICAL PROPERTY CONTRACT

THIS AGREEMENT (“Agreement”) is made and entered into this ____ day of _____, 2014, by and between the City of San Jose, a municipal corporation (hereinafter referred to as the “CITY”) and Barry and Maile Del Buono (hereinafter referred to as the “OWNER”).

R E C I T A L S

WHEREAS, California Government Code Section 50280, *et seq.* and Chapter 13.48 of the San Jose Municipal Code authorize CITY to enter into contracts with the owner of a qualified historical property to provide for the use, maintenance and restoration of such historical property so as to retain its characteristics as property of historical significance; and

WHEREAS, OWNER possesses fee title in and to that certain real property, together with associated structures and improvements thereon, known as the Daniel D. Tennyson House (CITY Landmark Number HL14-214), located at 54 South 14th Street (hereinafter such property and structures shall be referred to as the “Historical Landmark” or the “Historical Landmark Property”), and a legal description of the Historical Landmark Property is attached hereto as Exhibit “A” and incorporated herein by this reference; and

WHEREAS, on December 2, 2014, the City Council of CITY adopted a resolution thereby declaring and designating the Historical Landmark as a historical landmark structure pursuant to the terms and provisions of Chapter 13.48 of the San José Municipal Code; and

WHEREAS, CITY and OWNER for their mutual benefit, now desire to enter into this Agreement both to protect and preserve the characteristics of historical significance of the Historical Landmark and to qualify the Historical Landmark for an assessment of valuation pursuant to the provisions of Chapter 3, of Part 2, of Division 1 of the California Revenue and Taxation Code.

AGREEMENT

NOW, THEREFORE, CITY and OWNER, in consideration of the mutual covenants and conditions set forth herein, do hereby agree as follows:

1. Effective Date and Term of Agreement. This Agreement shall be effective and commence on December 2, 2014 (the “Effective Date”), and shall remain in effect for a term of ten (10) years thereafter. Each year upon the anniversary of the Effective Date, such initial term will automatically be extended as provided in Section 2 below, subject to cancellation as provided in Section 6 below.

2. Renewal. Each year on the anniversary of the Effective Date of this Agreement (hereinafter referred to as the “Renewal Date”), a year shall automatically be added to the initial term of this Agreement unless notice of nonrenewal is mailed as provided herein. If OWNER desires in any year to not renew the Agreement, OWNER shall serve written notice of nonrenewal of this Agreement on CITY in advance of the annual Renewal Date of this Agreement. Unless such notice is served by OWNER to CITY at least ninety (90) days prior to the annual Renewal Date, one (1) year shall automatically be added to the term of the Agreement as provided herein. If OWNER serves notice to CITY of nonrenewal in any year, the Agreement shall remain in effect, and the Historical Landmark Property shall remain enforceably restricted, for the balance of the term then remaining, either from its original execution or from the past renewal of the Agreement, whichever may apply. The Director of Planning, Building and Code Enforcement shall record the Notice of Nonrenewal and file a copy with the Assessor of Santa Clara County. Nonrenewal shall not be deemed a cancellation pursuant to Section 6 of this Agreement.

3. Standards for Historical Property. During the term of this Agreement, the Historical Landmark shall be subject to the following conditions, requirements and restrictions:

a. OWNER shall preserve and maintain the characteristics of historical significance of the Historical Landmark in no less than equal to the condition of the Historical Landmark Property as of December 2, 2014. OWNER of the Historical Landmark Property shall allow CITY to inspect the interior and exterior of the Historical Landmark Property to determine with OWNER the specific conditions of the Historical Landmark Property requiring preservation, restoration and/or rehabilitation to conform to the rules and regulations of the Office of Historic Preservation of the California Department of Parks and Recreation, the United States Secretary of the Interior Standards for Rehabilitation, the California State Historical Building Code, and the requirements of CITY as of the Effective Date. Attached hereto as Exhibit “B”, and incorporated herein by this reference, is a list of those minimum standards and conditions for maintenance, use and preservation of the Historical Landmark, which shall apply to such Historical Landmark Property and with which OWNER shall comply fully throughout the term of this Agreement.

b. OWNER shall, where necessary or required, restore and rehabilitate the Historical Landmark Property in full accordance with the rules and regulations of the Office of Historic Preservation of the State Department of Parks and Recreation, the United States Secretary of the Interior Standards for Rehabilitation, the California State Historical Building Code, and the requirements of CITY, including any permits or approvals granted pursuant to Chapter 13.48 of the San Jose Municipal Code. Without limiting the forgoing, OWNER shall perform all of the restoration and rehabilitation activities of the Historical Landmark Property set forth on Exhibit “C,” attached hereto and incorporated herein by this reference, within any timelines that may be set forth in said Exhibit C.

c. OWNER shall allow reasonable periodic examinations, by prior appointment, of the interior and exterior of the Historical Landmark Property by CITY and the County of Santa Clara as may be necessary to determine OWNER's compliance with this Agreement, which periodic examinations shall occur at least five (5) years after the Effective Date of this original Agreement and then at least every five (5) years thereafter.

d. OWNER shall annually expend an amount equal to a minimum of ten percent (10%) of the tax savings attributed to this Agreement to the preservation and maintenance of the Historical Landmark Property, and make this documentation available to the CITY at the time of the respective periodic examination described above.

4. Force Majeure. OWNER shall not be held responsible for repair or replacement of the Historical Landmark if damaged or destroyed through “Acts of God,” such as flood, tornado, lightning, earthquake or fire or other cause resulting therefrom; CITY shall, however, have the right to cancel this Agreement pursuant to terms of Section 6, Cancellation.

5. Provisions of Information of Compliance. OWNER hereby agrees to furnish CITY with any and all information requested by CITY that may be necessary or advisable to determine compliance with the terms and provisions of this Agreement. OWNER shall retain, store and preserve during the term of this Agreement all records that are related to or that evidence the eligibility of the Historical Landmark or OWNER’s compliance with the terms and provisions of this Agreement.

6. Cancellation. CITY, following a duly noticed public hearing, may cancel this Agreement or bring any action in court necessary to enforce this Agreement (including without limitation an action to enforce this Agreement by specific performance or injunction) if it has been determined by enforcement staff with CITY’s Planning, Building and Code Enforcement Department that OWNER has breached any of the provisions or conditions of this Agreement, has allowed the Historical Landmark Property to deteriorate to the point that it no longer meets the standards for a qualified historical property, or has otherwise failed to restore or rehabilitate the Historical Landmark Property or Historical Landmark in the manner specified in this Agreement. In the event of cancellation pursuant to this Section 6, OWNER may be subject to payment of those cancellation fees set forth in the California Government Code. Prior to any procedures set forth in this Section, CITY shall give notice of breach to OWNER, and OWNER shall have one hundred and twenty (120) days to cure such breach to the reasonable satisfaction of CITY.

7. Binding Effect of Agreement. This Agreement shall be binding upon, and inure to the benefit of, all successors in interest of OWNER. A successor in interest shall have the same rights and obligations under this Agreement as OWNER.

8. Notice. Any notice required to be given by the terms of this Agreement shall be provided at the address of the respective parties as specified below or at any other address as may be later specified by the parties hereto.

CITY: City Clerk
City of San José
200 East Santa Clara Street
San José, CA 95113

OWNER: Barry and Maile Del Buono
54 South 14th Street
San Jose, CA 95112

9. General Provisions.

a. None of the terms, provisions or conditions of this Agreement shall be deemed to create a partnership between the parties hereto and any of their heirs, successors or assigns, nor shall such terms, provisions or conditions cause them to be considered joint ventures or members of any joint enterprise.

b. OWNER agrees to and shall hold CITY and its elected officials, officers, agents and employees harmless from liability from damage or claims for damage for personal injuries, including death, and claims for property damage which may arise from the direct use or operations of OWNER or those of OWNER's contractor, subcontractor, agent, employee or other person acting on OWNER's behalf which relate to the use, operation and maintenance of the Historical Landmark. OWNER hereby agrees to and shall defend the CITY and its elected officials, officers, agents and employees with respect to any and all actions for damages caused by, or alleged to have been caused by, reason of OWNER's activities in connection with the Historical Landmark. This hold harmless provision applies to all damages and claims for damages suffered, or alleged to have been suffered, by reason of the operations referred to in this

Agreement regardless of whether or not the CITY prepared, supplied or approved the plans, specifications or other documents for the Historical Landmark.

c. In the event that any of the provisions of this Agreement are held to be unenforceable or invalid by any court of competent jurisdiction, or by subsequent preemptive legislation, the validity and enforceability of the remaining provisions, or portions thereof, shall not be affected thereby.

APPROVED AS TO FORM:

ROSA TSONGTAATARRII
Senior Deputy City Attorney

“CITY”

CITY OF SAN JOSE, a municipal
corporation

By _____
TONI TABER, CMC
City Clerk

“OWNER”

By _____
Barry Del Buono

By _____
Maile Del Buono

EXHIBIT "A"

LEGAL DESCRIPTION FOR DANIEL D. TENNYSON HOUSE 54 S 14TH STREET MA14-002

Escrow No.: 09-98504285-SM
Locate No.: CACT17743-7743-2985-0098504285
Title No.: 09-98504285-JN

EXHIBIT "A"

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF SAN JOSE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

Beginning at a point on the Easterly line of Fourteenth Street, formerly Priest Street, distant thereon 275 feet Northerly from the point of intersection of the Easterly line of Fourteenth Street with the Northerly line of San Fernando Street, as said Streets are shown on the Map hereinafter referred to; thence running Northerly along the Easterly line of Fourteenth Street 55 feet; thence running at right angles Easterly and parallel with the Northerly line of San Fernando Street, 127.96 feet; thence running at right angles Southerly and parallel with the Easterly line of Fourteenth Street 55 feet; thence running at right angles Westerly and parallel with the Northerly line of San Fernando Street, 127.96 feet to the point of beginning, and being Lot 20, Block 30, as shown on that certain Map entitled "Map of the Naglee Park Tract Survey No. 1 in the City of San Jose, Santa Clara County", which Map was filed for record in the Office of the Recorder of the County of Santa Clara, State of California, on April 15, 1902 in Book F-2 of Maps at page(s) 15.

APN: 467-27-004

EXHIBIT “B”

OWNER shall, where necessary, restore and rehabilitate the Historical Landmark and shall do so only in full accordance and compliance with the rules and regulations of the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings, as the same may be amended from time to time.

A summary of the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings (the “Standards”) is provided below for convenient reference. OWNER shall comply with the Standards in effect when OWNER commences any rehabilitation or restoration work on the Historical Landmark.

The Standards (Department of the Interior Regulations, 36 CFR 67) pertain to historic buildings of all materials, construction, types, sizes, and occupancy and encompass the exterior and the interior, related landscape features and the building’s site and environment as well as attached, adjacent, or related new construction. The Standards are to be applied to specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility.

- 1) A property shall be used for its historic purposes or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
- 2) The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
- 3) Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural element from other buildings, shall not be undertaken.
- 4) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
- 5) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
- 6) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical or pictorial evidence.
- 7) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials, shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

- 8) Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
- 9) New additions, exterior alterations or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
- 10) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

EXHIBIT “C”
PRESERVATION PLAN
FOR
DANIEL D. TENNYSON HOUSE
54 S 14TH STREET
MA14-002

OWNER shall annually expend an amount equal to a minimum of 10% of the tax savings attributed to this Agreement for the preservation and maintenance of the Historical Landmark. The rehabilitation of the Historical Landmark shall be completed on or before the 10th anniversary of the Effective Date of this Agreement, and such rehabilitation shall include all of the following tasks.

Historical Property Contract
 Preservation Plan (Exhibit "C"), File No. HL 14-214 & MA 14-002

54 South Fourteenth Street, Daniel D. Tennyson House

OWNER shall annually expend the amount equal to a minimum of 10% of the annual tax savings attributed to this Agreement for the preservation and maintenance of the Historic Landmark. The rehabilitation of the Historic Landmark shall be completed on or before the 10th anniversary of the Effective Date of this agreement. Such rehabilitation shall include all of the following tasks:

Scope of Work

Year	Description
One	House Fumigation for existing termite infestation to prevent structural damage. Trim trees dangerously near the structure, for health and safety reasons. (\$5,000 allowance)
Two	Repair exterior structure siding damaged by dry rot. Repair exterior roof eaves and fascia. (\$5,000 allowance)
Three	Repair and refinish exterior wood frame windows and doors & frames. (\$6,000 allowance)
Four	Replace Roof, gutters, and downspouts. Replace south side perimeter good-neighbor fence for safety. (\$20,000 allowance)
Five	Prep and repaint all exterior surfaces. (\$15,000 allowance)
Six	Maintain property as a historical asset by plumbing upgrades to bathrooms. Refinish period claw foot tub and upgrade bathroom fixtures to colonial revival style and other bathroom changes for health and safety issues. (\$15,000 allowance)
Seven	Make health and safety structural improvements to attic. (\$10,000 allowance)
Eight	Health and safety plumbing and electrical upgrade in attic. (\$10,000 allowance)
Nine	Repair front and rear porch; exterior stair areas. (\$2,500 allowance)
Ten	Replace front entrance door in the colonial revival style with Queen Anne elements. (\$7,000 allowance)

54 S. 14th Street

Replace north side perimeter fence to code



A photograph of a wooden fence with ivy and bamboo growing on it. The fence is made of vertical wooden planks. On the right side, there is a dense covering of green ivy leaves. On the left side, there are bamboo plants with long, thin, green leaves. The background is a bright, overexposed area, possibly a wall or a very bright sky.

54 S. 14th Street

Replace north side perimeter fence to code



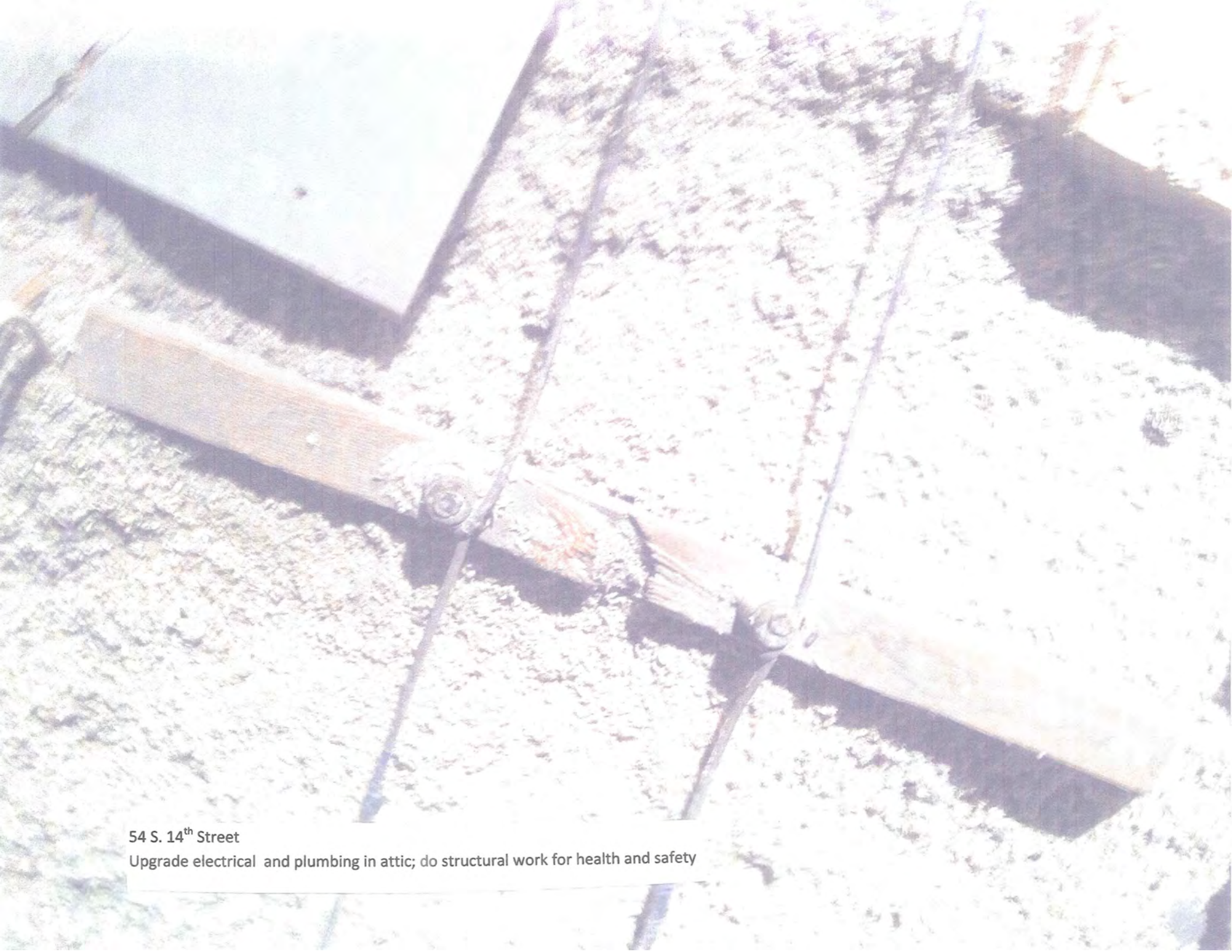
54 S. 14th Street

Upgrade electrical and plumbing in attic; do structural work for health and safety



54 S. 14th Street

Upgrade electrical and plumbing in attic; do structural work for health and safety

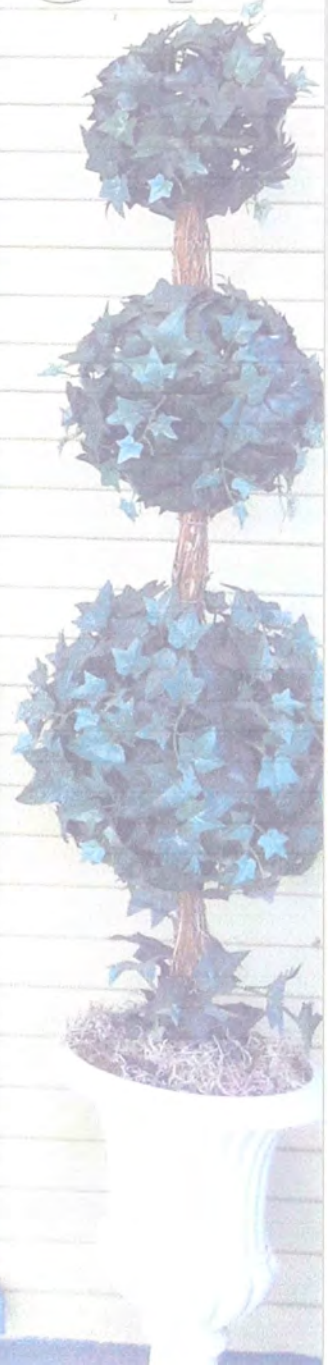



54 S. 14th Street

Upgrade electrical and plumbing in attic; do structural work for health and safety

54 S. 14th Street

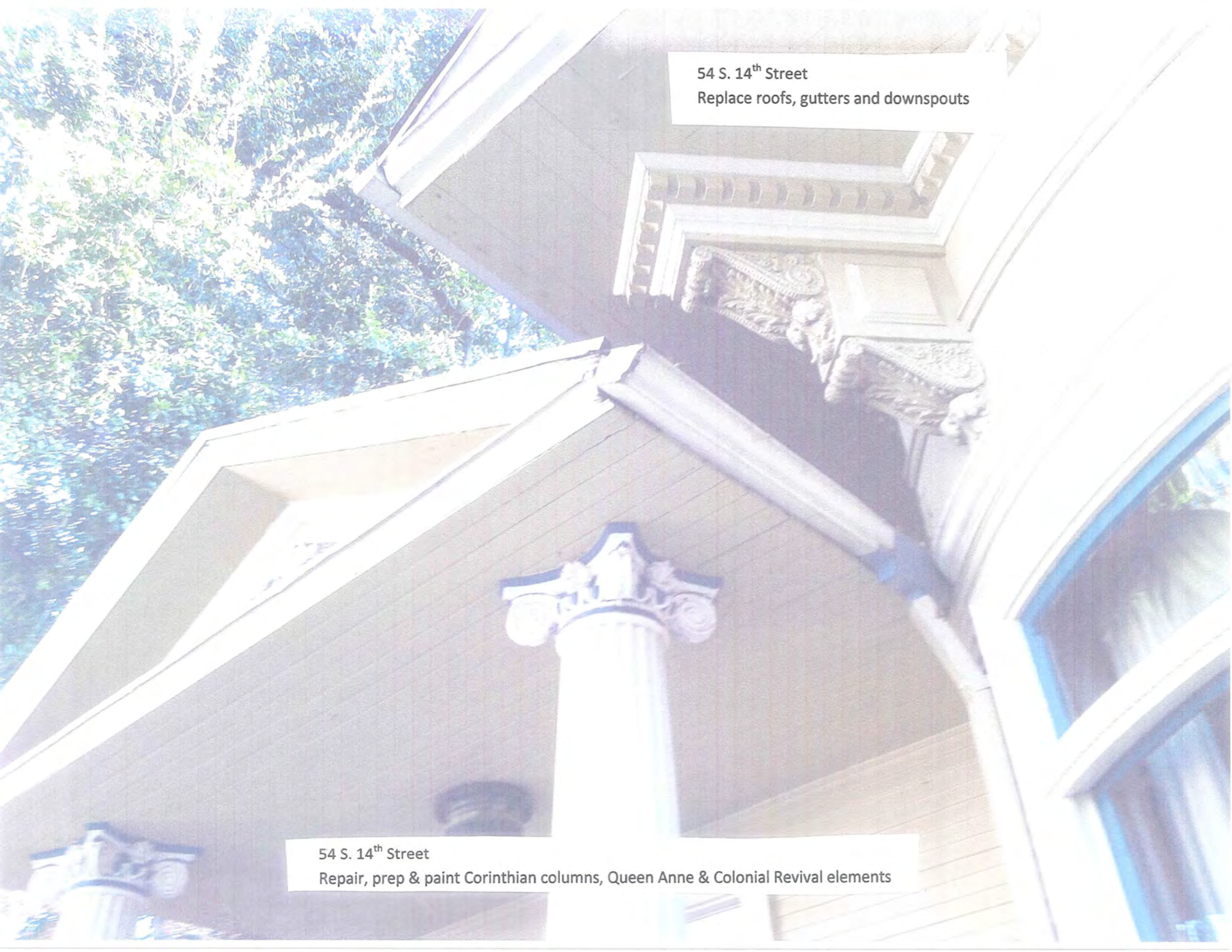
54





54 S. 14th Street
Replace roofs, gutters and downspouts

54 S. 14th Street
Repair, prep & paint Corinthian columns, Queen Anne & Colonial Revival elements



54 S. 14th Street

Replace roofs, gutters and downspouts

54 S. 14th Street

Repair, prep & paint Corinthian columns, Queen Anne & Colonial Revival elements

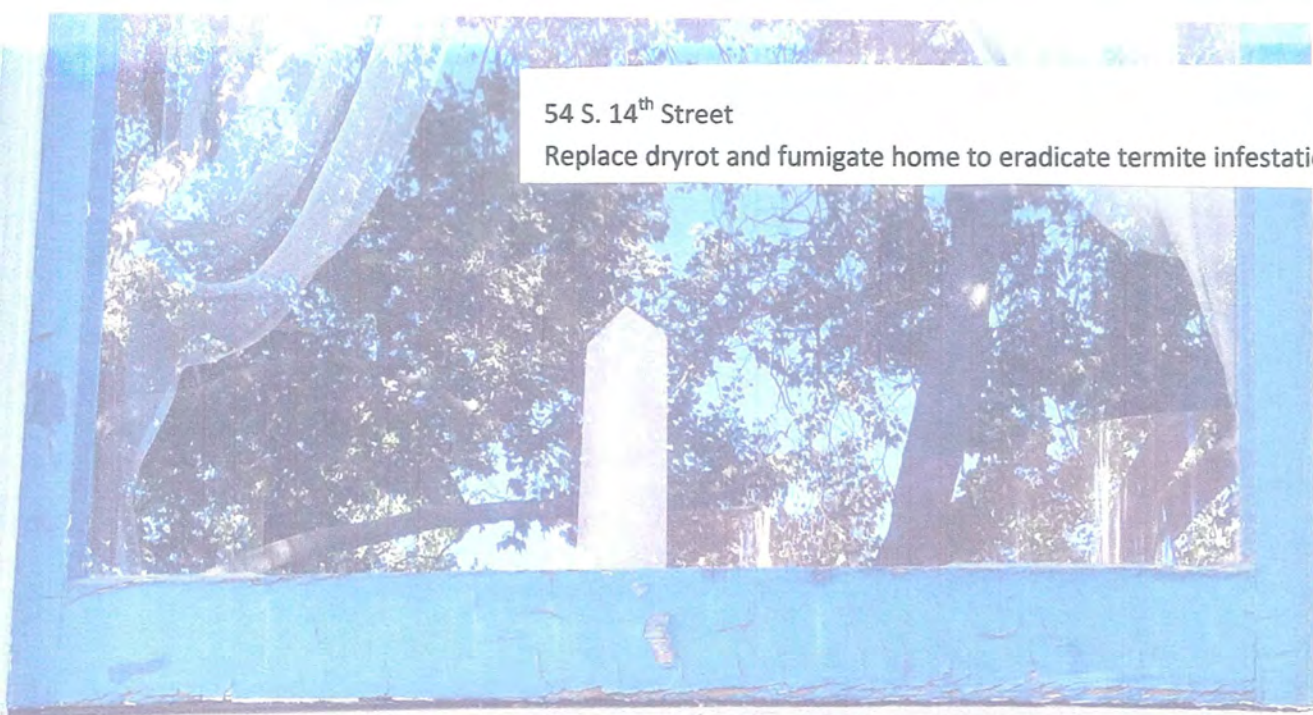


54 S. 14th Street

Repair, prep & paint Corinthian columns, Queen Anne & Colonial Revival elements

54 S. 14th Street

Replace dryrot and fumigate home to eradicate termite infestation



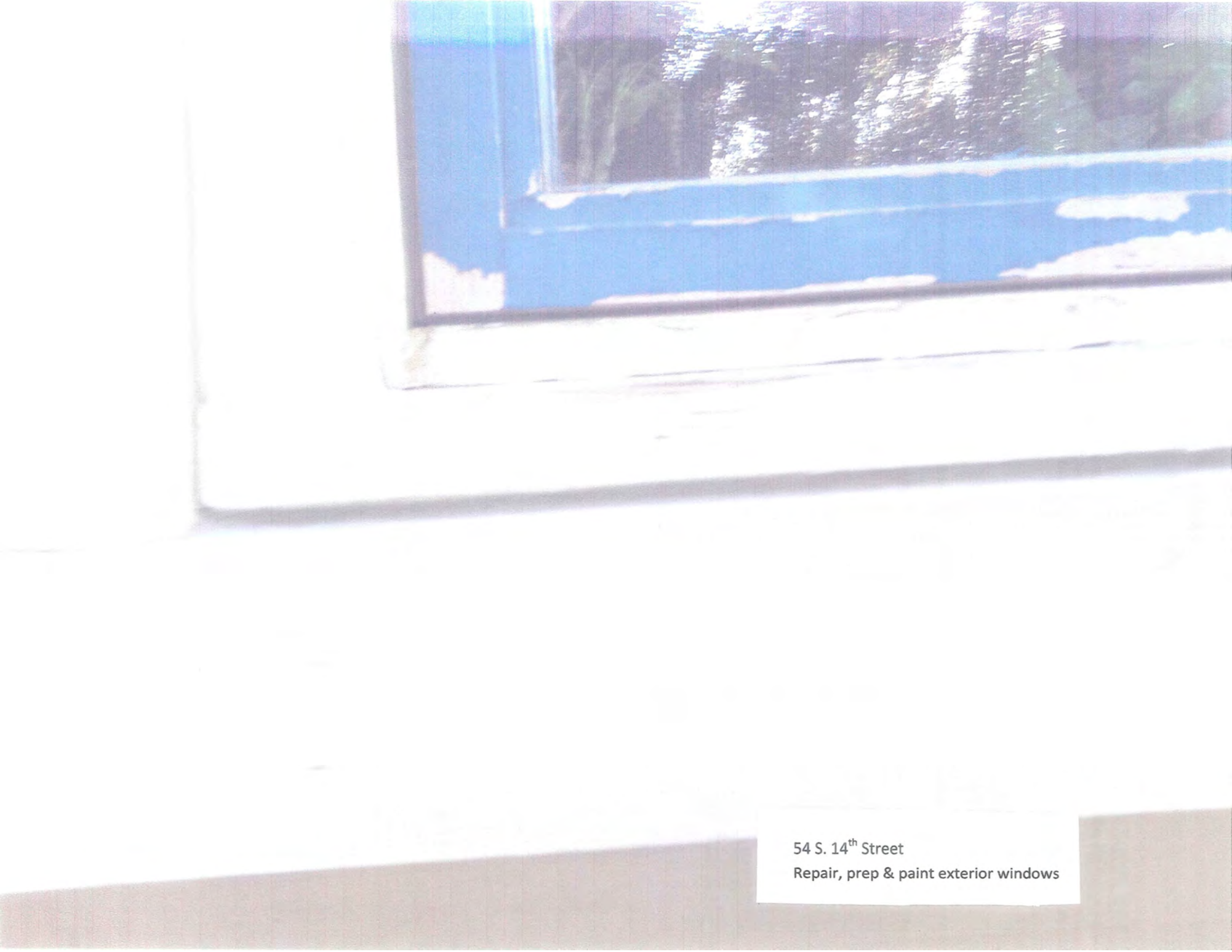
54 S. 14th Street

Repair, prep & paint exterior windows



54 S. 14th Street

Repair, prep & paint exterior windows



54 S. 14th Street

Repair, prep & paint exterior windows

54 S. 14th Street

Exterior Front Door to be changed to period Colonial Revival style





54 S. 14th Street

Exterior Front Door to be changed to period Colonial Revival style

54 S. 14th Street

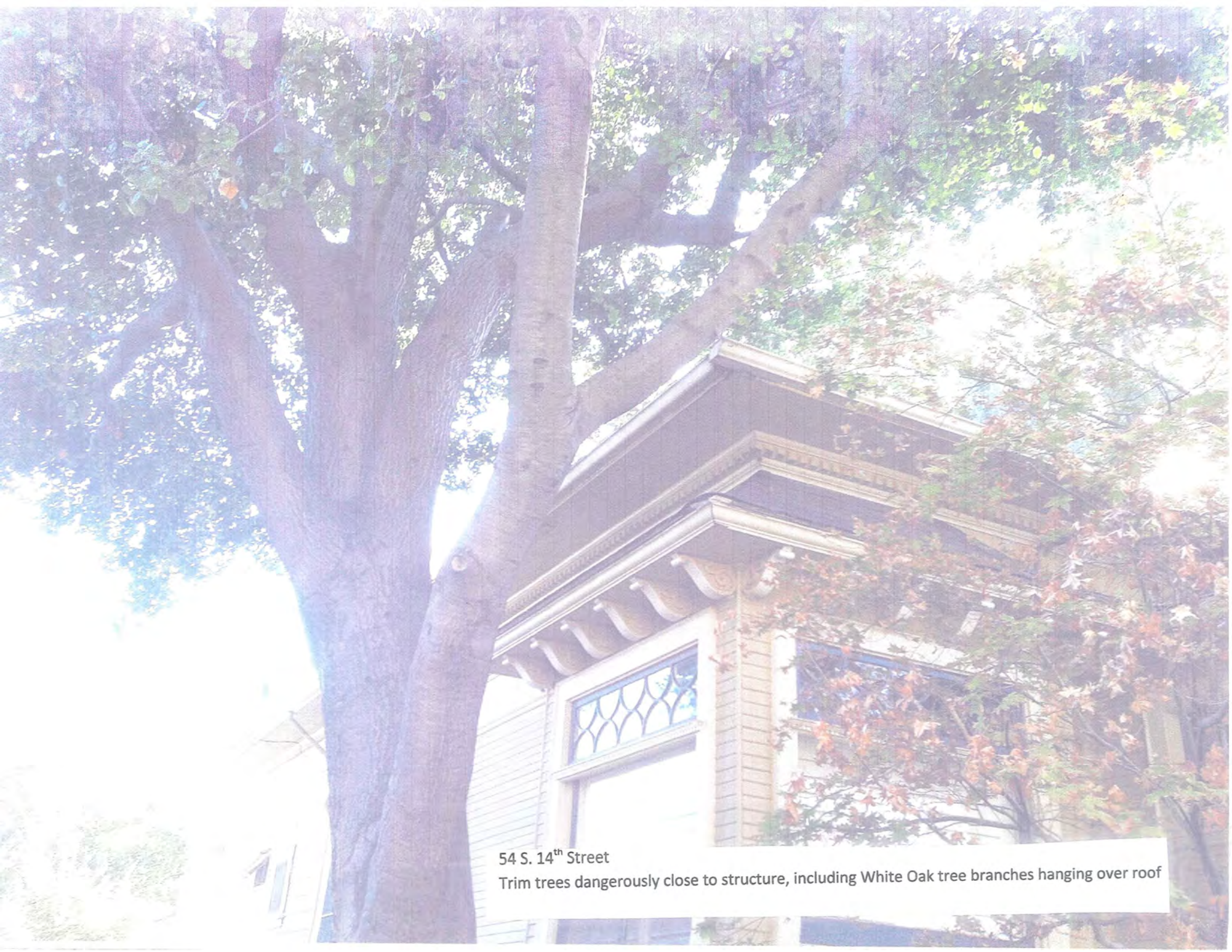
Exterior Front Door to be changed to period Colonial Revival style





54 S. 14th Street

Trim trees dangerously close to structure, including White Oak tree branches hanging over roof



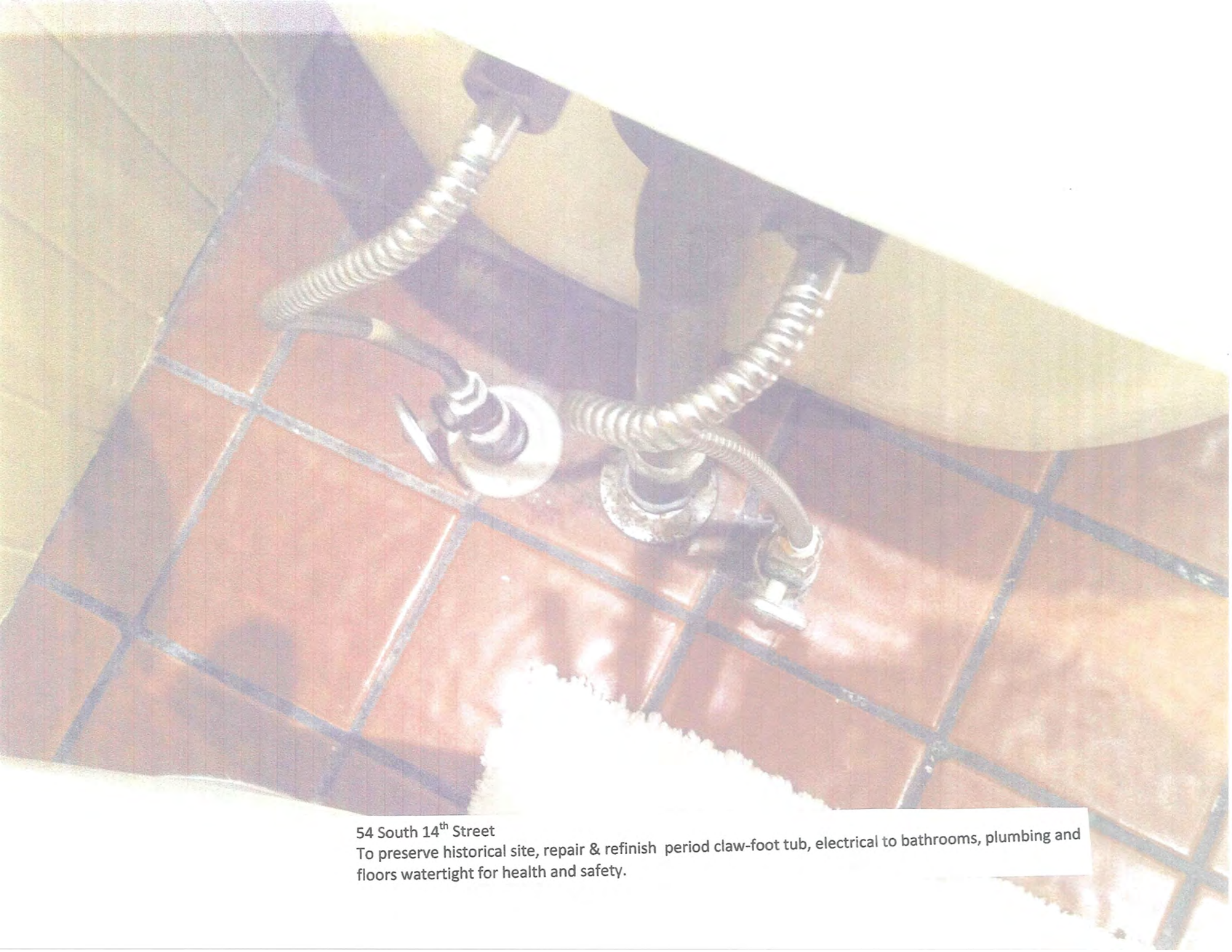
54 S. 14th Street

Trim trees dangerously close to structure, including White Oak tree branches hanging over roof



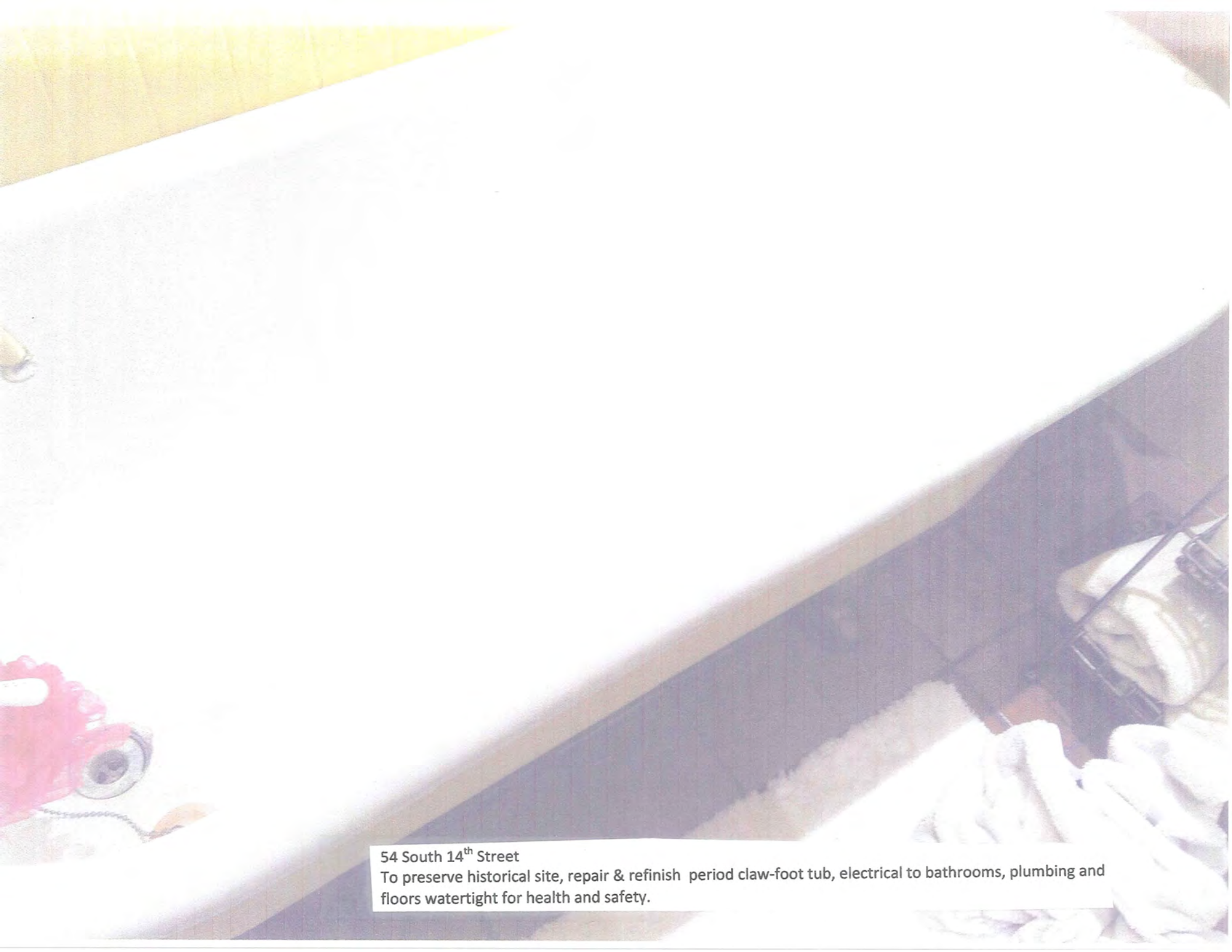
54 South 14th Street

Repair dry rot to window frames and affected exterior home areas



54 South 14th Street

To preserve historical site, repair & refinish period claw-foot tub, electrical to bathrooms, plumbing and floors watertight for health and safety.



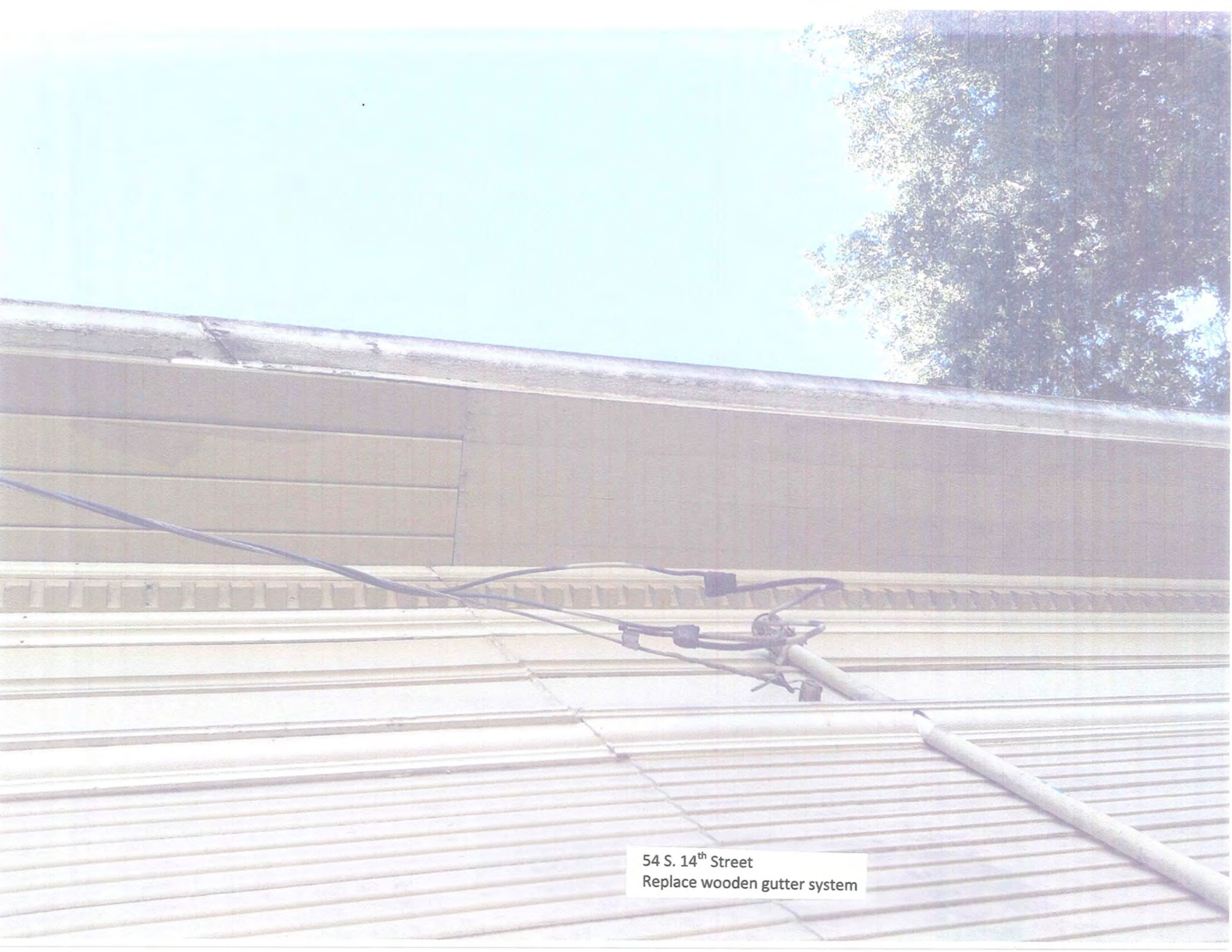
54 South 14th Street

To preserve historical site, repair & refinish period claw-foot tub, electrical to bathrooms, plumbing and floors watertight for health and safety.




54 S. 14th Street

Exterior window frames repair



54 S. 14th Street
Replace wooden gutter system



54 S. 14th Street
Dry rot & termite infestation



54 S. 14th Street